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LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM

Text for Today

*In all thy ways acknowledge Him,
and He shall direct thy paths.*

Prov. 3:6.



SCHOOL AID AND THE
WALL OF SEPARATION

THE TEACHER

For half a century, and more,
The feet of boys forever wore
A pathway to the teacher's door.

For fifty years he took his stand,
A Latin grammar in his hand,
And taught the children of the land.

A general, a great divine,
Yea, men whose names with lustre shine,
Learned Latin at that simple shrine.

For often here the great began
To dream, to wish, to hope, to plan;
Today was born tomorrow's man.

And so the teacher grew to gray;
And fifty years have passed away
When someone happens on a day

To pause before the teacher's door,
The threshold that the children wore
A half a century or more,

And asks, as that good man appears:
"Are you not weary, tired to tears,
Of teaching Latin all the years?"

A simple answer he employs
To tell a teacher's holy joys:
"I don't teach Latin—I teach boys."

God bless the teacher who can look
Above, beyond, the open book,
The one who teaching undertook

Not merely for the Latin's sake,
But for the holy chance to make
Tomorrow's man, a soul to wake;

Whom nothing wearies, naught annoys,
Who gladly all his life employs,
Not teaching Latin—teaching boys.

—Douglas Malloch



50 CENTS
A COPY

LIBERTY

WASHINGTON
D.C.

A MAGAZINE OF RELIGIOUS FREEDOM

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SEPTEMBER-OCTOBER

Declaration of Principles

INTERNATIONAL RELIGIOUS LIBERTY ASSOCIATION

We believe in religious liberty, and hold that this God-given right is exercised at its best when there is separation between church and state.

We believe in civil government as divinely ordained to protect men in the enjoyment of their natural rights, and to rule in civil things; and that in this realm it is entitled to the respectful and willing obedience of all.

We believe in the individual's natural and inalienable right to freedom of conscience: to worship or not to worship; to profess, to practice, and to promulgate his religious beliefs, or to change them according to his conscience or opinions, holding that these are the essence of religious liberty; but that in the exercise of this right he should respect the equivalent right of others.

We believe that all legislation and other governmental acts which unite church and state are subversive of human rights, potentially persecuting in character, and opposed to the best interests of church and state; and therefore, that it is not within the province of human government to enact such legislation or perform such acts.

We believe it is our duty to use every lawful and honorable means to prevent the enactment of legislation which tends to unite church and state, and to oppose every movement toward such union, that all may enjoy the inestimable blessings of religious liberty.

We believe that these liberties are embraced in the golden rule, which teaches that a man should do to others as he would have others do to him.

THE INTERNATIONAL RELIGIOUS LIBERTY ASSOCIATION was organized in 1888 by the General Conference of Seventh-day Adventists. Including in its ranks champions of freedom of many religious persuasions, the Association is dedicated to preservation of religious liberty, as is indicated in the Declaration above. The Association advocates no political or economic theories. General secretary, Marvin E. Loewen; associate secretaries, W. Melvin Adams, Roland R. Hegstad.

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from the editor's desk

Miss Florence Kidder is a teacher, a parochial school teacher. A few months ago at an educational convention in Montreal, Canada, she was honored for fifty-



Miss Florence Kidder

seven—repeat, *fifty-seven*—years of teaching in parochial schools. Former students, some themselves now grandparents and leaders in education, watched while a corsage was pinned on her. Miss Kidder's lifetime of dedicated service typifies parochial school teachers of all faiths who, underpaid, unsung, and undismayed, go right on daily sharing their conviction that the life to come should not be ignored in education here.

Mrs. Maude Allen Shaw is a teacher, a public school teacher. For more than three decades she has taught with distinction in Wauna and Astoria, Oregon, where she is now principal of the John Jacob Astor Elementary School. It would ill behoove a former student to research further her antiquity (all teachers look immeasurably old and wise to their protégés); to look the other way, with her keen and inquisitive mind she shall likely serve to hear another generation call her blessed.

Not many of the students in the old Wauna grade school knew Mrs. Shaw was a Catholic—which was just as well in that generally Protestant-or-nothing

community. There was nothing sectarian about the fine moral and ethical standards she upheld in class and out. This is not to say that she was not wholeheartedly Catholic; she was devoted to her church, and still is. But no upholder of the public school system—Protestant however partisan—could with validity challenge her devotion to, and her interpretation of, the objectives of the American public school system. Educators, perplexed over how to steer a course between religion and irreligion, confused over how to uphold moral and ethical standards without taint of sectarianism, would do well to consult her.

But there is another reason for penning a remembrance in this veteran teacher's hall of memories: This issue of *LIBERTY* deals with such controversial subjects as religious practices in public schools and Federal aid to parochial institutions. On the first, the editors, though unable to see the justice of *compelling* by law certain religious practices in the public schools, believe that our schools should not be irreligious. Secularists and religionists alike, for opposite reasons, probably would not approve of the editors' middle-of-the-road



Mrs. Maude Allen Shaw

philosophy. On the second—Federal aid to parochial institutions—the editors do not believe tax moneys should be given to parochial schools, though the church they represent has a heavy stake in the issue and would certainly profit financially should such aid be given. (See editorial, page 28.) The Roman Catholic hierarchy,



OUR COVER PICTURE: Picking covers is sometimes a frustrating job. Take these two shots, for example. The editors chose the one on the right from a half dozen good ones—and not because their theology accepted more naturally a *woman* offering an apple! The all-American-boy expression captured their votes. But when the picture was blown up to page dimensions, the flag did not fit so well over the *LIBERTY* banner and the subjects were not so well centered. *Ergo*: the one on the left. As for Master Pat Bohlan and Miss Debby Szasz, they occupy these desks at the John Nevins Andrews church school in Takoma Park, Maryland. As for the cover caption, "School aid" is *not* the apple, and the "wall of separation" has *nothing* to do with chaperons.

PHOTOS BY J. BYRON LOGAN



many lay Catholics, and a scattering of other aid supporters will hardly appreciate this viewpoint. (Of Roman Catholics 66 per cent support their church's stand, 28 per cent oppose; see page 15. For a vigorous dissent by a lay Catholic, see page 12.)

On both issues heat has often exceeded light. Remembering that Jesus was described as the *light* of the world, LIBERTY would place emphasis on illumination, not inflammation, and in a spirit of tolerance and free discussion set forth its conviction that more than a theoretical wall of separation is involved in the aid controversy. And hope, further, that those who covet public tax moneys for the promulgation of their particular religion will not raise the smoke-screen cry of bigotry because their ambitions are opposed and the potential consequences of their achievement stated without stuttering.

As for the editor of LIBERTY, he does not know what his former teacher's views on Federal aid are. But it is from the heritage of understanding and tolerance for other views that she instilled in her students that he would write. No pen shall be set in LIBERTY for the sake of wounding, though pens shall be set that wound for the sake of truth. And one has now been set to gladden for the same cause.

ROLAND R. HEGSTAD

LETTERS

READ LIBERTY 28 YEARS

DEAR SIR:

I have had the privilege of reading the LIBERTY magazine for the past twenty-eight years, and I have not been able to find another paper as powerful and forceful in its field.

I have on my desk the March-April issue, and it is right to the point. Some provision should be made to place this paper, especially this issue, into the hands of those who make and interpret laws of this country.

The closing of business on Sunday is certainly a violation of human rights, and it yields to the commands of religion more than anything else.

I sincerely hope that the Supreme Court . . . decision on . . . Sunday closing, gives serious and careful consideration to our Bill of Rights, Article I.—ATHILL A. SCANTLEBURY, Brooklyn 13, N.Y.

[See editorial, page 29. A complete analysis of the Supreme Court's decision in four Sunday-law cases will appear in the Nov.-Dec. LIBERTY.—ED.]

A PECULIAR THING

DEAR SIR:

For some time now your magazine has been coming to my office, how or why I do not know, for I did not order it. In any event, a peculiar thing has happened. For a long time I would glance at it idly and toss it aside. Recently, however, I have been giving it a closer look.

I cannot say whether your articles have improved or my attention, but I have come to be downright appreciative of your thoughtful and scholarly discussion of questions of religious and political freedom.

SEPTEMBER-OCTOBER



PHOTO BY HARRIS & EWING

PRESIDENT PROCLAIMS Citizenship Day and Constitution Week

President John F. Kennedy has proclaimed Sunday, September 17, anniversary of the signing of the Constitution in 1787, as Citizenship Day, and September 17 to 23 as Constitution Week. Using the words with which he himself took the oath of office, the President called on all American citizens to "pledge themselves anew to preserve, protect, and defend the Constitution" and to "rededicate themselves to the service of our country." The President expressed his wish that "all religious, civic, educational, and other organizations hold appropriate ceremonies on Citizenship Day, to inspire all our citizens to keep the faith of our founding fathers and to carry out the ideals of United States citizenship."

The International Religious Liberty Association and the editors of LIBERTY are happy to heed this appeal from the President of the United States.

Believing that attacks on the Constitution weaken the world witness of the nation, and that tyranny within is no more to be coveted than tyranny without, we would, as did our founding fathers, pledge our lives, our fortunes, our sacred honor, to the preservation of this nation, wherein inalienable rights and self-evident truths are yet given heart service.

Enclosed is my check in the sum of \$15 for the indeterminate past issues and a three-year future subscription.—LEW M. WARDEN, JR., Oakland, California.

UNBIASED REFRESHMENT

DEAR SIR:

I find it refreshing to see such a variety of *unbiased* views on various faiths in one publication.—JIM PATTEKSON, Alhambra, California.

SEES RED

SIR:

Your magazine is one of the most biased magazines I've read. The few times I glanced through it, it made me see red! —A. A. A., Monterey Park, California

[Maybe the red made it seemed biased.—ED.]

The WALL of



"Here,
Little Boy,
Pull
the Nice
Horsie
In
With You"

HERBLOCK, © 1961 THE WASHINGTON POST CO.



S

SEPARATION

What does it mean? Where are its doors?

JUDAH BIERMAN

Professor, Portland State College

ALTHOUGH THE United States Supreme Court has three times in the past ten years asserted its adherence to the wall of separation as a constitutional test, specific terms of the decisions and dissenting opinions, and developing conditions, particularly in the field of education, have raised serious questions about the meaning of this historic phrase.

Opponents of the wall doctrine took comfort in a February order in which the Court declined to hear an appeal from a group of taxpayers of Newton, Connecticut, thus upholding the constitutionality of public school bus transportation for parochial school students. But the Court's refusal in May to review a decision by the Vermont Supreme Court that tuition payments to Catholic parochial schools were unconstitutional in turn heartened those who uphold the wall. [See Focus on Freedom, page 9.] And a brief submitted in behalf of the Government by Secretary Ribicoff during the Congressional debate over aid to parochial schools added further strength and prestige to the phrase.

No doubt man should guard against becoming a prisoner of his metaphor, but neither should he be easily frightened by the charge that he lives by symbols. Man is a symbol-making animal, and the symbol of the wall of separation between church and state has been, and can still be, a useful one.

What does it mean?

To speak of a wall of separation between church and state is, first of all, to recognize both church and state as institutions, forces, within the larger framework of society. The prohibition of the First Amendment—"Congress shall make no law . . ."—is to be regarded, therefore, as an attempt to formulate the possible terms of intercourse between these recognized elements of society, and the image of the wall is a symbolic statement of that prohibition. Thus, when Justice Douglas noted in *Zorach* that we are a religious people, he did not deny the wall doctrine, but merely sought to remind us that the instrument for separating church and state was, after

all, the tool not of the godless or God haters, but of the lovers and believers who sought to preserve both church and state. The question will always be "What kind of separation, what kind of wall, between church and state will best preserve the strength of each?"

The Wall—a Useful Symbol

It may seem ridiculous to speak of relations between parties on opposite sides of a wall. But the symbol is no less useful than the concept of the guarantee. We speak of religious freedom as an absolute guarantee not because we are unaware that society has deemed it necessary to set certain limits on freedoms, but because we wish to emphasize how few the acceptable limiting factors are. We note that the guarantee against the Government's prohibiting the free exercise of religion does not find its limit even when some believe that the security of the state is threatened, but only when the peace and safety of society and its members seem endangered. Thus, in the flag-salute case the state could not enforce its loyalty rituals in preference to those of the church, but in the various health and welfare cases—involving esoteric forms of worship and the improper use of children as proselytizers—the state could. It may protect the peace against the kind of propagation of belief that disturbs it, as in *Chaplinsky v. New Hampshire*, but only then. In the same sense that these limitations do not seriously detract from the concept of an absolute guarantee, so the symbol of the wall remains a useful way of describing relations possible between church and state.

The doctrine of the wall of separation has figured most prominently in the aid-to-education cases. And it is easy to see why. Society has permitted the state to use its taxing power to support public education because we are committed to public education as a source of public good. (The implications of everyone's right to this good are just becoming clear in our time.) But the good to be derived has not blinded us to what some believe to be the latent dangers. The issue was stated, if



J. BYRON LOGAN

Five little ladies from the John Nevins Andrews parochial school in Takoma Park, Md., add early American flavor to a Bill of Rights program. From the left: Marsha Kirkham, Beverly Sickler, Linda Gay Capman, Yvonne Simper, and Paula Hines.

not too directly, in *Pierce v. Society of Sisters of Holy Names*—in which a law to compel public education for all children was struck down. What emerged is that the right to an education—the parent's obligation to the child—may, within limits, be fulfilled in a variety of ways not public. What emerged was the recognition that however central education may be in the growth and development of society, society may not use the state to impose a single pattern for that growth. It is a kind of commitment to a pluralist society in which ends and aims different from those of the majority are recognized and protected. The question in public aid to parochial education is whether we should not only protect the right of minorities to educate their children as they choose but also guarantee it by underwriting part of the cost.

Children on Both Sides

It is against the background of *Pierce* and its commitment to a pluralist society that I propose to pursue the symbol of the wall of separation. We can begin by noting briefly the legitimate cutting of doors through the wall to permit easy access to children who are educated privately and not by the state. Consider the hot-lunch program or a medical-inspection program financed by the Federal Government or by one of the States itself. We find children on both sides of the wall who need the aid, and because the child and society and not the church or the state benefit, we permit the state to go through the wall to feed and examine the children. Here we see the formula at work in its simplest form.

Not quite so simple are two extensions involving going over the wall. Here we classify released-time and bus-aid programs. Released-time programs involve the

releasing and supervised transporting of children from the public schools to parochial schools for religious education within the school day. They take the child from the state side and put him, under what may amount to duress, on the church side. Bus aid is an even more complicated problem. It is not, like hot lunches, unconditionally a benefit to the child alone. Children are transported to public schools partly as a direct aid to public education. The church school thus also benefits from the use of public funds, and, as Justice Jackson made clear, the church school is the church. However, some would defend bus aid as a public-welfare action. Highways are death ways today, and society can justify using the state to safeguard all children in this way.

This distinction, considered by many unreal, can perhaps be clarified if we contrast bus aid with textbook aid, which we classify as undermining the wall itself. First, though the school benefits from both bus and textbook aid, the book is an essential part of the educational process, while transportation is only a convenient safety device. (Many children walk to school.) No one has argued that textbooks are a public-health or safety measure nor that police and fire protection or sewage disposal are an essential part of the religious functioning of the school.

Second, and far more important, the protection offered the children by bus aid is available to all children at their choice. But the good that may come from the use of secular textbooks approved by the state is not available to all children in all nonpublic schools. Parochial schools decide which textbooks they will use, and their choice is dictated, we assume, by the acceptability of the books for their purposes. The child has no choice but must accept the parochial school's decision, no matter how earnest the state's offer of its book is. This fact alone nullifies much of the contention that textbook aid is, like free lunches, a matter of child benefit.

LARGE GREY AREA

[There is a] "large grey area of constitutionality [in which] . . . Congress is at liberty to enact a program of federal aid which would provide equal treatment for children attending church-related schools."—Francis Cardinal Spellman, Archbishop of New York, in a statement filed in his behalf with the House Committee on Education and Labor by Lawrence X. Cusack, counsel for the New York archdiocese and editor of *The Fordham Law Review*.

Textbooks Subversive

But the implications of the parochial school's control of the educational text, as part of its control of the educational process, make clear why textbook aid is essentially subversive of the wall doctrine as no other aid short of direct financial support is. The purpose of a parochial school is to provide a different kind of education from that offered in public schools. Textbooks are an important part of the educational process. If parochial schools are now to be an important user of the textbooks selected for use in the schools, are they not entitled to the same right that all other pressure groups exert to try to influence the choice of books for adoption? We need imagine nothing more than the inclusion of a series of alternate texts, some satisfactory to one group, some to another. On the other hand, a more likely result will be the inclusion of religious materials in school textbooks—in generalized, watered-down versions, of course. At the very minimum we can expect to be reminded that the textbooks are to be used in a variety of places and thus have to reflect a variety of attitudes on questions that heretofore have not been considered the business of the schools at all.

This point can be seen more clearly if we reverse the situation and ask whose business it is to determine what is done in the schools. It is society's, of course, and we delegate it to the state, while, as noted above, reserving the right to the parent and his voluntary organizations to fulfill that obligation as he sees fit (within limits). Now, when society pays the bill it always demands the right to control what it pays for. This is certainly true in public education, and if society begins to support parochial education out of public funds, it will soon, and quite properly, demand the right to inspect and criticize the running of parochial schools. It is because textbook aid is likely to bring the forces of the state and the forces of the churches into intimate contact that we consider it not only subversive of the wall doctrine but dangerous to the healthy survival of both church and state.

The idea of separation of church and state seems to me to involve the removal of the conflicts of credal differences from the arena of politics in which decisions are made on other bases, among which compromise and the pursuit of political advantage, both foreign to religious belief, are central. The idea also involves the removal of political power from that arena in which the free pursuit of creed without preferential sanctions among believers and nonbelievers is considered the optimum state for the health of a religious people. It is that kind of separation that the wall symbolizes, and public support of the propagation of religion, which is what in essence parochial education is, will surely undermine the wall. For the wall conveys a symbol of state and church each pursuing its ends without interference from the other, and we have every reason to believe that increased use of public funds will make such separation impossible. ★★★

SEPTEMBER-OCTOBER

Focus on

FREEDOM

COURT LINE FOLLOWS WALL; DENIES PAROCHIAL SCHOOL AID

In an action with nationwide significance, the United States Supreme Court on May 15 refused to reverse an action of the Vermont Supreme Court that barred the use of public funds for tuition payments to Catholic schools.

Implications of the case were pointed up by Paul M. Butler, who represented the parents seeking to overthrow the Vermont decision.

Speaking before the United States Supreme Court in the petition for review, Mr. Butler said, "The Court's failure to clarify or reverse the Vermont Supreme Court cannot help but strengthen such official conviction of the constitutional limitations on the power of Congress to provide aid for sectarian schools."

The Vermont Supreme Court decision left little room for belief that parochial schools are simply public schools with a pinch of religion added and thus legitimate candidates for tax funds. Said the Court:

"Religious denominational high schools are an integral part of the Roman Catholic Church. The Church is the source of their control and the principal source of their support.

"This combination of factors renders the service of the Church and its ministry inseparable from its educational function. That this is a high and dedicated undertaking is not to be questioned, and deserves the respect of all creeds. Yet, however worthy the object, the First Amendment commands the state shall not participate.

"Our government is so constituted that the schisms of the Churches shall not be visited upon the political establishment. Neither shall the conflicts of the political establishment attend the Churches.

"Considerations of equity and fairness have exerted a strong appeal to temper the severity of this mandate. The price it demands frequently imposes a heavy burden on the faithful parent . . . but the same fundamental law which protects the liberty of the parent to reject the public school system in the interests of his child's spiritual welfare enjoins the state from participating in the religious education he has selected.

"Equitable considerations, however compelling, cannot overcome existing constitutional barriers."—Vermont Supreme Court in *Anderson v. Swart*.



A Huguenot family fleeing from persecution in southern France.

REVIEW PICTURES, E. S. KENNEDY, ARTIST

Why I Believe

FEDERAL TAX AID

to Parochial Schools

Is Both

UNWISE and

UNCONSTITUTIONAL

SAM J. ERVIN, JR.
U.S. Senator From North Carolina

I HAVE CONCLUDED that Federal tax aid to parochial schools is both unconstitutional and unwise. My decision was not arbitrary. Rather, it was based on a careful study of all factors involved. Nor was my decision based on a disregard for religion. I put the highest value on religion. And I am not unaware or unappreciative of the contribution made to American education by parochial schools.

The decisive factor in my decision was my study of history. I believe that any correct evaluation of current demands for Federal tax aid to parochial schools must begin here. For here it is that one can see clearly the potential consequences for our nation should it forget the wisdom of our forefathers that led them to write the First Amendment to the Constitution. Here it is that one can read the sad record of nations where the church was permitted to dictate to the state and the state to interfere with religion.

Man's Struggle for Religious Freedom

We can understand and properly evaluate the issues of today only when we know the historical events out of which they arise.

The most heart-rending story of history is that of man's struggle against civil and ecclesiastical tyranny for the simple right to bow his own knees before his own God in his own way.

One of America's wisest jurists of all time, the late Chief Justice Walter P. Stacy of the supreme court of North Carolina, declared in the opinion he wrote in *State v. Beal*, 199 N.C. 278:

"For some reason too deep to fathom, men contend more furiously over the road to heaven, which they cannot see, than over their visible walks on earth," and "It would be almost unbelievable, if history did not record the tragic fact, that men have gone to war and to cut each other's throats because they could not

agree as to what was to become of them after their throats were cut."

The founding fathers who wrote the Constitution of the United States were acutely aware of these truths.

They saw with the eyes of history the cruelties of the Spanish Inquisition; the massacre of the Huguenots of France; the slaughter of the Waldenses in the Alpine valleys of Italy; the hanging and jailing of English and Irish Catholics by Protestant England; the hunting down of the Covenanters upon the crags and moors of Scotland; the branding, hanging, and whipping of Quakers and the banishing of Baptists by Puritan Massachusetts; and the hundreds of other atrocities committed in the name of religion.

The founding fathers knew, moreover, that even during their own lifetime those who did not conform to the doctrines and practices of the churches established by law in the places they lived—such as Scotch-Irish Presbyterians in Ulster, Catholics in England and Ireland, and dissenters in various American colonies—had been barred from civil and military offices because of their faith, had been compelled to pay tithes for the propagation of religious opinions they disbelieved, and had had their marriages annulled and their children adjudged illegitimate for daring to speak their marriage vows before ministers of their own faiths rather than before clergymen of the established churches.

The founding fathers were determined that none of these tragic historical events should be repeated in the nation they were creating.

PRIVATE MONEYS

PRIVATE ROADS

Private

~~PUBLIC~~ MONEYS

= PRIVATE SCHOOLS

I may build a private road on my own property which I prefer to use rather than the public highway, and I may drive on it and invite others, but it is restricted to those who use it under my control. Therefore it is not a public road and I am not entitled to claim discrimination when tax money is spent only on the public roads and not on my private road.

So it is with a private school. It is not in any sense a public institution, open to all members of the public, but it is private, open only to those who subscribe to its religious doctrines and wish their children educated in its sectarian creed. I have a right to build a private school, just as I have a right to build a private road, but I have no right to ask the taxpayer to help me pave that road when it is only for my own use.

—John E. Marvin, Editor
Michigan Christian Advocate
March 16, 1961

To this end, they inserted two provisions in the Constitution of the United States:

The first of these provisions appears in Article Six and declares that "no religious test shall ever be required as a qualification to any office or public trust in the United States."

The second appears in the First Amendment and states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

These provisions embody in the Constitution the abiding conviction of the founding fathers that the complete and permanent separation of the spheres of religious activity and civil authority is best for religion and best for the state.

I cherish the constitutional principle of the separation of church and state as the most precious part of our heritage as Americans. It must be preserved if liberty of any kind is to endure. This is true because political liberty cannot exist where the state interferes with religion.

The author of the "establishment of religion" clause of the First Amendment was James Madison, who had previously piloted through the Virginia Legislature Thomas Jefferson's Virginia Statute for Religious Freedom, which declared that "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical."

Constitution Prohibits Federal Tax Aid

The First Amendment is designed to prevent every form and degree of official relation between religion and civil authority. To this end, it secures the right of every person to worship God according to the dictates of his own conscience and prohibits every kind of public aid or support, financial or other, for religion.

Its purpose to outlaw all use of public moneys for religious purposes is stated with unmistakable clarity by the Supreme Court of the United States in the comparatively recent case of *Everson v. Board of Education*, 330 U.S. 1.

I quote from the opinion in that case.

"The 'establishment of religion' clause of the First Amendment means at least this: Neither a state nor the Federal government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. . . . No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. . . . In the words of Jefferson, the clause against establishment of religion by law was intended to erect a wall of separation between church and state."

There can be no doubt of the fact that parochial schools constitute an essential part of the Catholic

Turn to page 33

A Catholic Layman TALKS BACK

EDWARD L.
O'CONNOR



Edward L. O'Connor, former attorney general of Iowa (1933-1937), is devoted to his church. He is also devoted to his country and believes that both institutions prosper best when their spheres are kept separate. In a letter to Archbishop Karl J. Alter, Mr. O'Connor gives three reasons why he believes aid to parochial schools would violate the First Amendment to the Constitution and also bring serious problems to the church.

Most Rev. Karl J. Alter
Roman Catholic Archbishop
Cincinnati, Ohio

MY DEAR ARCHBISHOP:

On last March 3d you issued a statement summarizing the view of the Administrative Board of the National Catholic Welfare Conference on the matter of Federal aid to education. As I understand it, this board was speaking in the name of the Roman Catholic Bishops in the United States.

Your released statement said that "in the event there is Federal aid to education, we are deeply convinced that, in justice, Catholic school children should be given the right to participate. Respecting the form of participation, we hold it to be strictly within the framework of the Constitution that long-term, low interest loans to *private institutions* could be a part of the Federal aid program." (Emphasis supplied.)

President Kennedy, a Roman Catholic, takes the position that such Federal aid to "private institutions" under sectarian domination and control would constitute a violation of the First Amendment to the Federal Constitution, which wisely provides for the separation of church and state, and, as a result thereof, opposes such

aid to sectarian institutions. I am a Roman Catholic. I heartily approve and support President Kennedy for the following reasons:

First: Because this requested aid to *private institutions* under sectarian control is not individual aid or financial assistance to Catholic children as students—it is aid to *educational institutions* under the direct control and management of the Roman Catholic Church.

The parochial school system is a very important instrumentality in the teaching of Catholicism and in the religious indoctrination of all its students of school age. One of the cardinal purposes and objects of the Catholic school system is the advancement and propagation of the faith as understood and taught by the ecclesiastical authority of the Roman Catholic Church. The constitutional separation of church and state forbids that public moneys should be appropriated, given, or *loaned* to any institution, school, association, or object which is under ecclesiastical or sectarian management or control. That is why the Congress of the United States cannot give or loan public tax moneys to Catholic parochial schools for the building of additional classrooms or new school buildings.

Giving school children bus rides or free nonreligious textbooks is far different from appropriating public tax moneys for the use and benefit of schools or other institutions under ecclesiastical or sectarian management or control. The bus rides and free nonsectarian textbooks assist the children in getting an education with the resultant effect of betterment to the public and the state. The giving of such free textbooks and bus rides does not in any manner inure to the financial assistance of any church or school. [Mr. O'Connor documents this point by quoting from *Cochran v. Board of Education*. He then refers to an opinion he wrote as attorney general of Iowa, holding that children attending a parochial school were entitled to free bus rides. "A far different situation would be presented . . ." says Mr. O'Connor, "if the parochial schools were made the beneficiaries of aid in the form of appropriations of public tax moneys."—ED.]

Second: It would be unfair and unjust to tax our Protestant, Jewish, and Mohammedan neighbors for the support of our Catholic parochial school system.

The Catholic hierarchy, as represented by the . . . administrative board of the National Catholic Welfare Council, seeks to justify public grants to parochial schools on the ground that such private schools lessen the burden on the public schools and since Catholics, by public taxes, contribute to the support of the public schools, then the public in turn should remit a portion of such public taxes to our private religious schools so as to sort of even up the burden on Catholics. It is said that we Catholics pay twice for the education of our children; once for the public school we do not use and once more for the parochial school we do use.

At first blush this may sound like a plausible argument. But when this argument is fully analyzed it loses much of its vigor. In the first place, there is no temporal law compelling Catholics to contribute to the support of Catholic institutions of learning. There are temporal laws requiring members of the Catholic faith, as well as all others, to pay taxes for the support of the public school system.

Up to the time of the publication of your statement of March 3d attacking President Kennedy for the position taken on this school-aid legislation, I thought that we Catholics willingly and gladly made private contributions for the support of our parochial school system. It now appears that I was quite naive in this belief. Most of us willingly pay our taxes for the maintenance and support of the public school system. Even though this system is not perfect, it is one of the outstanding bulwarks of our free democratic governmental system in the preparation and building of the youth of America into better citizenship. I pride myself in the fact that I spent two years . . . as superintendent of . . . [a] public school. I have yet to hear any Catholic friend or acquaintance of mine complaining that he or she had to pay taxes for

the support of the public schools. Now, since they have read your statement . . . chances are that many of them will feel that they are being ill-treated and imposed upon because President Kennedy will not force their non-Catholic neighbors to help pay part of their parochial school burden.

If Federal aid is granted to parochial schools, the money . . . must be raised by public taxation. If this feature is enacted into law, the result will be that Protestants, Jews, Mohammedans, and all other non-Catholics, as well as Catholics, will be compelled to pay twice: once for the support of the public school and once for the support of the private school. Is there any sense of fairness or justice in compelling non-Catholics to contribute to the support of our Catholic parochial school system? The Lutherans, the Episcopalians, the Baptists, and the Seventh-day Adventists all maintain sectarian private schools. How would we Catholics feel about it if we were compelled to pay taxes for the support of such private Protestant schools? As a matter of fact, that is just what would happen if Federal tax moneys are granted to private schools.

Public tax moneys should be appropriated and spent for public purposes only. The public school system of the nation is badly in need of Federal and State aid. President Kennedy senses this need and that is why he is so insistent of the passage of his school-aid measure in such a manner as not to conflict with the First Amendment to the Federal Constitution. Church and state must be kept separate in this respect—otherwise, we would revert to wholesale recriminations by religionists against other religionists as . . . in Europe from the time Martin Luther nailed up his 95 theses on the door of Wittenberg University until the advent of the age of political revolution and the Constitutional separation of church and state as indelibly written in and engrafted upon the Constitution of these United States.

No, Your Excellency, we do not want to turn the pages of history backward to the bitter animosities pre-

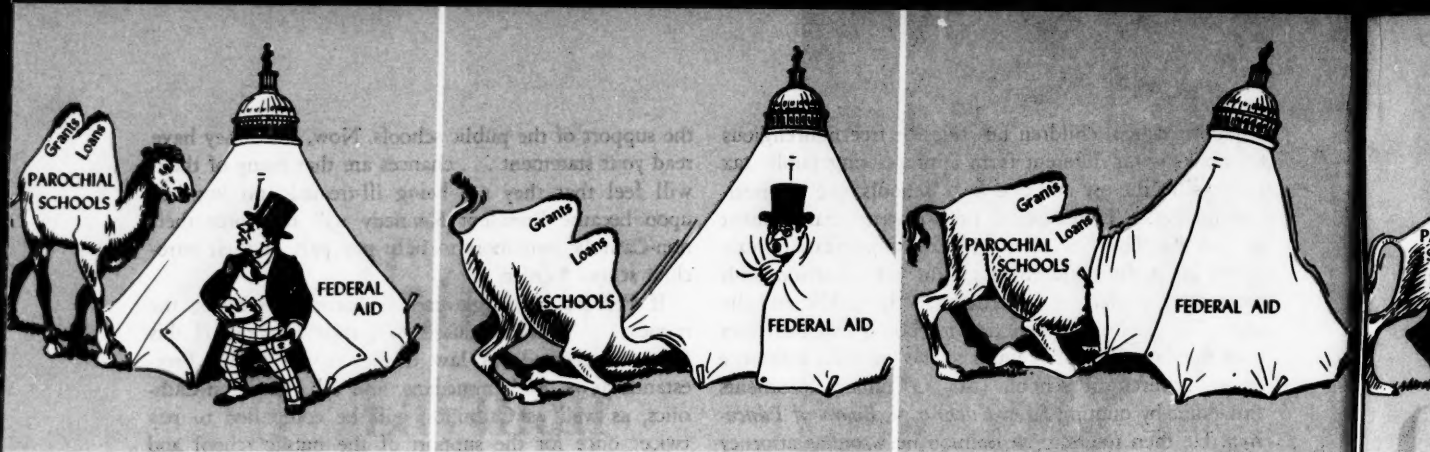
Reprints of Mr. O'Connor's article are available. Prices: to one address, 5 cents each, \$3 a hundred, \$25 a thousand. Write: International Religious Liberty Association, Washington 12, D.C.

viously existing between Catholics, Huguenots, and Anglicans, which resulted in such shameful atrocities as the Massacre of Saint Bartholomew's Day in Paris, France, and of Drogheda in the Emerald Isle.

Third: Because it is a grave and serious error for the Catholic hierarchy in the United States to jump into the political arena and start playing power politics.

"[The Church's politicking] . . . is bound to have a very bad effect upon the heretofore friendly relationships

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THAT CAMEL'S NOSE -

No, say

THE UNITED STATES SUPREME COURT

"The 'establishment of religion' clause of the First Amendment means at least this: Neither a State nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. . . . No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion."—*Everson v. Board of Education*.

PRESIDENT JOHN F. KENNEDY

"The principle of church-state separation precludes aid to parochial schools. . . . There isn't any room for debate on that subject." " . . . By my reading of the constitutional judgments in the *Everson* case, my judgment has been that across-the-board loans are also unconstitutional."

THE UNITED STATES GOVERNMENT *

"The Supreme Court has ruled that the First Amendment to the Constitution forbids the use of public funds to 'support religious institutions' or 'finance religious groups.' . . . Across-the-board grants to church schools are equally invalid. . . . And like the broad grant, the across-the-board loan would inevitably facilitate religious instruction. . . . Tuition payments for all church school pupils are invalid since they accomplish by indirection what grants do directly. . . . The difficulties of obtaining a court test of legislation in this area impose a solemn responsibility upon both Congress and the Executive to be especially conscientious in studying the Constitution and relevant Supreme Court decisions." *[As represented by the Department of Health, Education, and Welfare in consultation with the Justice Department.]

YES, say

CARDINAL MC INTYRE, Roman Catholic Archbishop of Los Angeles

"I can find no reference [in the Constitution and interpretations by the Supreme Court] which even indicates the unconstitutionality of Federal aid to children . . . regardless of what type of school they attend. . . . When the Federal Government deems it incumbent to disburse aid to education, . . . [Catholic parochial school children] are entitled to receive their share."

FRANCIS CARDINAL SPELLMAN, Roman Catholic Archbishop of New York

"It is unthinkable that any American child be denied Federal funds because his parents choose for him a God-centered education."

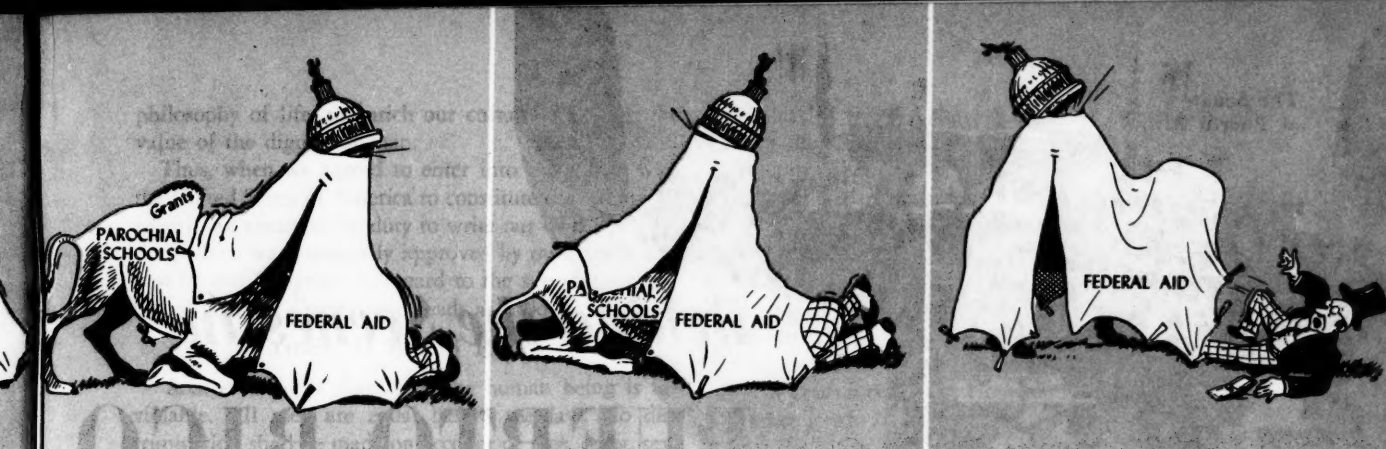
BISHOP LAWRENCE J. SHEHAN, to the annual convention of the American Bar Association

Bar Association members have a responsibility to "validate in law" a "proper interpretation" of the First Amendment—i.e. finds ways to legalize Federal aid to parochial schools.

MSGR. FREDERICK G. HOCHWALT, representing the Catholic bishops of the United States before the special House Education Subcommittee

"The position of the bishops, in general, is that we are not going to do anything to bring about Federal aid . . . but should it come . . . we think that our concern should be provided for."

The following colloquy ensued between Representative Phil M. Landrum of Georgia and Msgr. Hochwalt:



HARRY BAER, ARTIST

Should the United States Government Let the Parochial School Camel Put Its Nose in the Federal-Aid Tent?

Mr. Landrum

"[Is] the primary part of your parochial schools . . . to teach religious education?"

Msgr. Hochwalt

"It is the essential part."

Mr. Landrum

"How, then, with any reasonable reading of the Constitution can you justify the application of tax funds for the teaching of religion?"

Msgr. Hochwalt

"It is loans, we are talking about, not grants. The loans won't cost the Government a cent." [Msgr. Hochwalt was later quoted as saying in Atlantic City, New Jersey, that he was willing to "go for broke" in his church's demand for Federal aid, and favored stepping up the request for aid from low-cost, long-term loans to direct grants.]

Mr. Landrum

"Baptists conduct their religious education by means of Sunday schools. Should the Government make loans to help build these?"

Msgr. Hochwalt

"I would be very happy to support that."

MSGR. WILLIAM E. MC MANUS, School Superintendent, Catholic Archdiocese of Chicago

"I have learned with dismay that some Catholics do not approve of asking or accepting any aid from the Government. . . . Some . . . seem to think it rather vulgar for the Church to flex her muscles in public."

[The Gallup poll shows: Catholic voters today favor government aid to sectarian schools in a ratio of 66 to 28, with 6 per cent having no opinion. Protestants favor public aid for public schools only, in a ratio of 63 to 29, with 8 per cent undecided.—*Church and State*, June, 1961, p. 9.]

Were the Founding Fathers Bigoted?

"Were the founding fathers who wrote the United States Constitution and the authors of our own State constitution foolishly adamant against the granting of public monies to non-public institutions? Were they blind, were they bigoted?" asks New York State Senator George R. Metcalf.

"In my opinion, they were neither; they were the descendants of a European culture which denied religious freedom through a close alliance of church and state. They understood . . . that if they were to create a new society with freedom for all, they had to separate the two. . . . If we were to permit through one subterfuge or another the gradual joining of these forces—the church and the state—one would most certainly become the hand maiden of the other. In this unhappy partnership, the freedom we have known would undeniably darken and tarnish.

"Let us look for a moment at what is happening. There are some who, wishing to avoid the issue, prefer to brush it under the rug. . . . But there is no rug large enough to hide it. Whatever is done this year will be the prelude to further demands next year and the year after. If the principle is established this year of providing . . . grants . . . , then the gates can be pried open for ever larger contributions in years to come."

As The Christian Century Put It

"We . . . believe that it is in the best interest of the solidarity of the country to discuss the whole camel which the Roman Catholic Church wants to put inside the federal tent rather than to make fine measurements of the intrusions of its nose." —Page 476, April 19, 1961.

"To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical."

—Thomas Jefferson

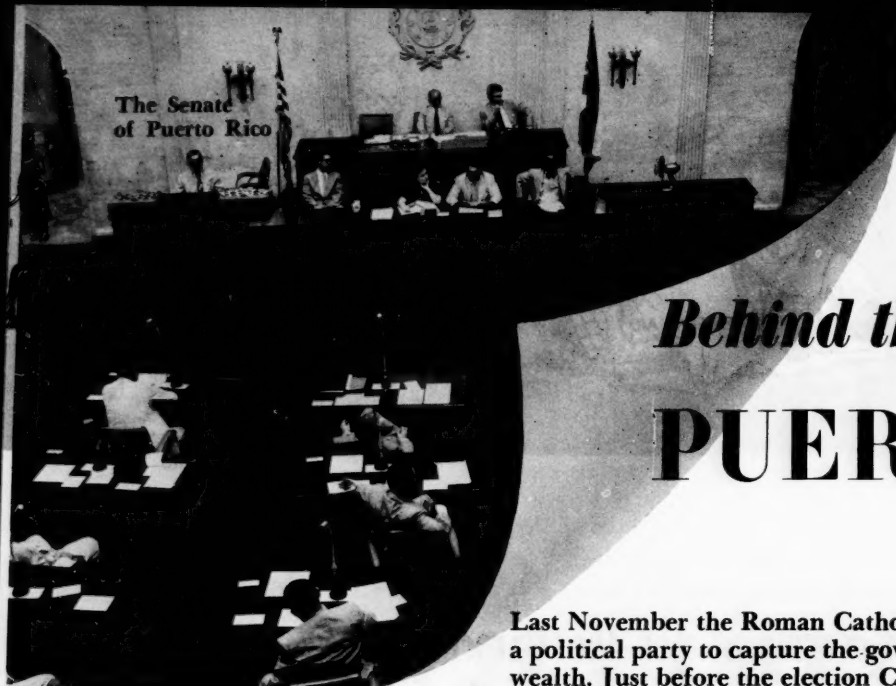


PHOTO BY PUERTO RICO NEWS SERVICE

Behind the Scenes in **PUERTO RICO**

Last November the Roman Catholic bishops of Puerto Rico organized a political party to capture the government of that American Commonwealth. Just before the election Catholics were told in a pastoral letter that it was a sin to vote for the rival Popular Democratic Party. Few Americans know that the trouble started with a Catholic-sponsored bill to establish religious education for public school children, contrary to the Puerto Rican Constitution. Here is the story, and its relationship to the Catholic drive in the States for Federal aid for their schools, as told to the United States Senate Subcommittee on Labor and Welfare by Hipolito Marcano, Senator at large of the Commonwealth of Puerto Rico.

Reprint from *Christian Heritage*, May, 1961.

I MADE THIS trip to testify before you, not only because I am interested in the provisions of this Bill which includes our Commonwealth as a recipient of the Federal Aid to Public Education, but basically because of my serious concern for the deeper and more serious problem which has been thrust upon you by those who wish to use public funds to support their private religious endeavors in open defiance to the long-established constitutional principles of our nation.

There is an overwhelming majority of opinion throughout the country and Puerto Rico that favors the program to provide adequate education to American children at all levels through our system of public schools with the help of the Federal government, and with necessary safeguards to keep local control and supervision of public education.

President Kennedy's special message to Congress on Education emphasizes the Federal government's willingness to assume its responsibility in dealing with the fundamentals of properly educating our children.

The Bill before you would meet that challenge squarely if it were not for the threatened roadblocks to its passage and approval by the President by people who are interested primarily in defeating its far-reaching objectives.

Your attention should be called to the fact that in considering the bill, you are not faced with the question of whether or not our public school system needs Federal aid. That is almost universally granted. Although there might be some difference of opinion as to the quality of education offered in public schools there is certainly no doubt as to the need for additional schools.

What you are facing here is a tactical attack on the public school system of our nation by those who are not only vehement in their unwarranted criticisms of our public schools, but who would gladly substitute for them parochial schools supervised, tightly controlled, and wholly owned by ecclesiastical authorities, although financed with public funds.

Their theory is that there should be public taxation to support sectarian parochial schools in the control of which the people have no representation, and over which the government has no supervision or control, but in which there is exclusive control by those who are tax-exempt.

Throughout fifty-two years of the American Colonial period, which, fortunately, is finished and gone deep into history, we Puerto Ricans learned the dynamics of democracy, which we used not as theoretical propositions for Fourth of July speeches, but as a practical

philosophy of life, to enrich our culture and uplift the value of the dignity of man.

Thus, when we agreed to enter into a compact with the United States of America to constitute our Commonwealth, we assumed the duty to write our own Constitution, which was eventually approved by our people and also by this Congress. In regard to the specific problem before you, our Constitution reads as follows:

Article II Bill of Rights

"Section 1.—The dignity of the human being is inviolable. All men are equal before the law. No discrimination shall be made on account of race, color, sex, birth, social origin or condition, or political or religious ideas. Both the laws and the system of public education shall embody these principles of essential human equality."

"Section 3.—No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof. There shall be complete separation of Church and State."

"Section 5.—Every person has the right to an education which shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. There shall be a system of free and wholly non-sectarian public education. Instruction in the elementary and secondary schools shall be free and shall be compulsory in the elementary schools to the extent permitted by the facilities of the state. No public property or public funds shall be used for the support of schools or educational institutions other than those of the state. Nothing contained in this provision shall prevent the state from furnishing to any child noneducational services established by law for the protection or welfare of children."

Again, I want to emphasize that what I have just quoted is the law of the land in Puerto Rico through the democratic consent of our people and also through the unanimous action of the United States Congress, so it reflects the approval of both parties to the compact that created the Commonwealth of Puerto Rico—our people and the Government of the United States.

Now you are called upon to amend this Bill in a way

that clearly violates the principle of separation of Church and State, a cornerstone of our constitutional philosophy. Should you pay any attention to this demand and depart from that long-established constitutional principle, certainly you will confuse the people of Puerto Rico, because Federal aid to parochial schools is in open conflict with the provisions of our Constitution, above quoted, which you approved.

The basic issue before you is clear-cut. The corollary problem which has been forced upon you is also clear-cut. You must face it now. How you handle it will affect us tremendously in Puerto Rico just as what we do in Puerto Rico may reflect upon you.

The same issue in a different form was before the people of Puerto Rico last November. It started with a little bill to establish religious education for public school children through the scheme of the so-called released-time plan. The bill was an attempt to circumvent the constitutional mandate of the people to establish "A system of free and wholly nonsectarian public education," and also an attempt to cross the wall of complete separation of Church and State by a process of osmosis. In spite of the ecclesiastical pressure, we defeated the Bill in our Legislature, and thus kept our system of public education free from undemocratic, sectarian dogmatism. I ask you to follow our example and defeat similar proposals here.

Frontal Attack Launched

Next, the bishops went out and organized a political party known as the Christian Action Party to be used as a political weapon of the Church to launch a frontal attack not only to capture the public schools but also to capture the government of Puerto Rico. The pulpit was turned into a political forum; the people were coerced and threatened with excommunication if they did not follow the political advice of the hierarchy. Fear of spiritual punishments was pumped into their minds, but they resisted firmly behind the Jeffersonian wall of separation, and continued to attend Mass and political rallies.

Finally, the Roman Church came out into the open and took a decisive step. A pastoral letter was issued by the bishops in which they told their flock that it was a sin to vote for the Popular Democratic Party, which represents approximately two-thirds of the voting population.

The three bishops tried to act as political leaders of the voters instead of spiritual pastors of the believers. Again they conveniently forgot or ignored the fact that there is a wall of separation between the Church and the State and that the people pray on one side of the wall and vote on the other side. In our understanding of sound democratic philosophy, the bishops are called upon to teach the people how to live spiritually and ethically on their side of the wall, and the politicians are supposed to teach the people how to vote intel-

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AID—DETERIORATION RESULTS—FRAGMENTATION

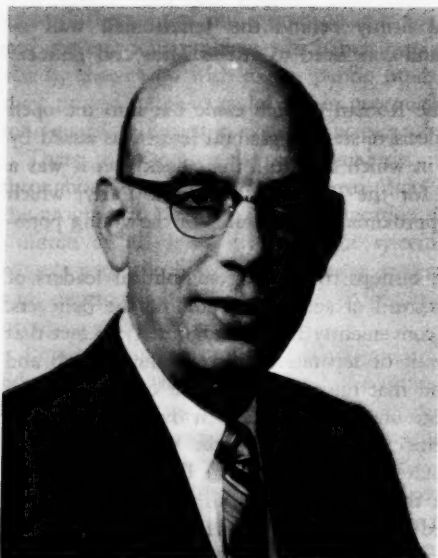
"It is certain that the Roman Catholic demand [for aid] is contrary to what has been accepted American policy. . . . Were it to be granted, it would inevitably lead to the deterioration of the public school system and in the end to a tragic fragmentation of American community life."—
Dr. Frederik A. Schiotz, Minneapolis, in a letter to pastors of the 2,250,000-member ALC.

United States

SENATORS

Our freedom of religion emphasizes the value and importance of every American. An individual's religion touches the depths of his life. Restrictions in this area of life would propagate restrictions in all areas of life. Our freedom to interpret and pursue our personal relationship with God should be cherished and defended as one of our greatest heritages. Without it America would not be upheld today as the greatest nation on earth.

George A. Smathers
GEORGE A. SMATHERS
Senator from Florida



We who belong to the Mormon Church should have a deep sense of the value of religious liberty, because during the first fifty years of the existence of the church, we passed through and fortunately survived many waves of intolerance and persecution. There actually was a period when the private property of the church was seized and the basic rights of its members as citizens were abridged.

Fortunately, these troubles are now more than half a century behind us, but the memory of them sharpens our appreciation of the blessing of religious liberty that exists under our Constitution and deepens our determination to oppose any program which would curtail it.

Wallace F. Bennett
WALLACE F. BENNETT
Senator from Utah

SPEAK OUT

For Religious Liberty



To enrich our own lives and add to the greatness of our nation, we must believe in more than ourselves. We must see that the problems of others affect us too; we must believe that we are capable of better things than we have yet done.

But, without religious liberty, we cannot hope for such accomplishment. Without such a base to work from, we would find that our energies and our viewpoints would suffer from a fundamental limitation. We must be free to express our religious beliefs if our other convictions are to be expressed too.

We should take time every so often to think about this. You are performing a service by inviting such discussion.

A handwritten signature in cursive script, reading "Harrison A. Williams, Jr.".

HARRISON A. WILLIAMS, JR.
Senator from New Jersey

The cornerstone of our democracy and, in my judgment, the fountainhead of our national strength is our American tradition for religious freedom.

To safeguard this precious heritage requires constant vigilance by the public and their elected representatives. It is my dedication to continue the great and historic fight to the end that freedom of worship will always be a sacred American institution.

A handwritten signature in cursive script, reading "Howard W. Cannon".

HOWARD W. CANNON
Senator from Nevada





GOVERNMENT OF PUERTO RICO

PHOTO BY SAMUEL A. SANTIAGO

Puerto Ricans celebrate inauguration of Luis Muñoz-Marín, first governor elected by the people of that American commonwealth.

Behind the Scenes in Puerto Rico

From page 17

lently on the other side. A man can certainly be faithful to his Church and at the same time loyal to his political party. Religious faith should never attempt to destroy political loyalty, and vice versa. The bishops of Puerto Rico attempted to destroy the loyalty of the people to their own political party, and failed.

The outcome of the elections in Puerto Rico was due to the spirit of political unity on the part of the people who had a diversity of religious affiliations but who rejected the participation of the Roman Church in politics. Any attempt to direct the political opinion of the people or of legislators by ecclesiastical authorities clearly demonstrates that there is something wrong in that particular democracy.

It was Mr. Justice Jackson who said: "Compulsory unification of opinion achieves only the unanimity of the graveyard" (*West Virginia State Board of Education vs. Barnette* 319 U.S. 624).

Issue Faced Squarely

You can see, gentlemen, that we faced this issue squarely. We understood it because we have lived with it for many years. If our experience in dealing successfully with inspired religious antagonism and clerical pressure in political affairs is of any value, then we sincerely hope you will share with us the benefits of this democratic achievement.

The Puerto Rican bishops you read about in your newspapers are not foreigners. One, Archbishop Davis,

was born in Philadelphia; the other, Bishop McManus, was born in Brooklyn. These men were educated in Roman Catholic institutions of higher education in the United States. They are blood brothers of your Roman Catholic bishops, the same men who are warning you in effect that unless they get concessions for their Church school system, by loans or grants, there will be no aid to the public schools either here or in Puerto Rico. This is the same type of coercion that we defeated last November in Puerto Rico.

Bear in mind that it was the Roman Catholic population of Puerto Rico in great numbers who joined with non-Catholic Puerto Ricans to bring about this great victory for Jefferson's and Madison's and Adams', and Franklin's, and Muñoz-Marín's concept of Church-State separation. Has that concept worked in Puerto Rico? Look at us and then look at many of our neighboring countries, where Church and State have traditionally suffered an unhealthy togetherness. Gentlemen, if you violate your own traditions in writing this law, you will be encouraging those forces south of the Border which make capital out of the ignorance of the people. Do this, and the final beneficiaries might well be the Communists. They do not seduce the educated or the enlightened. They thrive on the hungry, the disillusioned, on those who never had a chance to learn or gain the benefits of democracy.

Opposing Ideologies

Let us remember that you are dealing with a conflict between two opposing ideologies, the Roman Catholic versus the democratic. The Roman Catholic concept

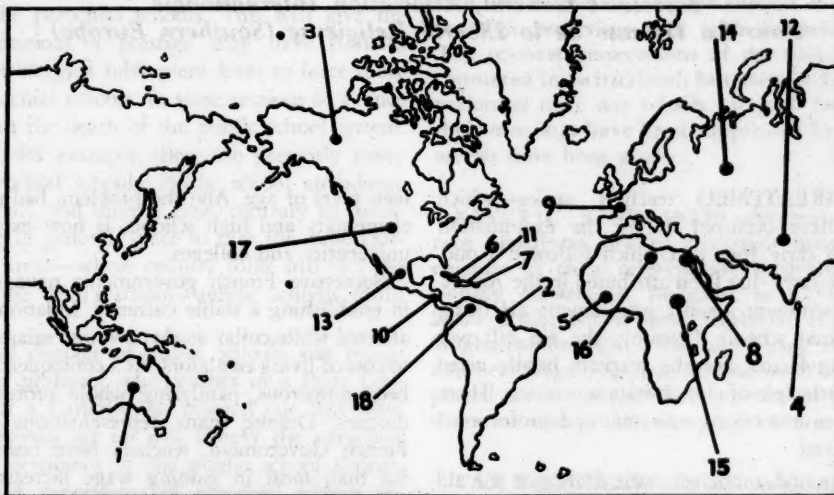
embraces power and authority from the ecclesiastical hierarchy above, and demands unquestioning obedience from the people. In a democracy, the power emanates from the people, and their elected leaders are there to serve them, not to dictate absolute obedience to their will. This is why the Roman Catholic Church always seeks to establish itself as a monopolistic State Church, as we see exemplified in Spain and various other countries. Once established they control the schools.

The way to establish a Church is to pay for that Church's institutions. Your First Amendment and Article II of our Constitution prohibit such an establishment. If one particular Church has a record in one country after another of seeking to have its institutions, particularly its schools, paid for by nonmembers of that Church, as well as by its own communicants, then you must know that that particular Church is seeking to

become the established Church wherever it can, and this at the taxpayer's expense. Loans or grants and special tax favors all lead in one direction—toward the establishment of a dominant Church institution, highly organized politically to gain ever-increasing power.

There comes a time when the people must say "No." Our forefathers, the founders of this nation, said "No" with their muskets on the battlefields, and with their pens on documents such as the Constitution and the Bill of Rights. The Supreme Court has said "No" again and again and again. In less fortunate lands there has been bloodshed over the issue throughout the centuries. We have avoided it in Puerto Rico. You have avoided it here, too. You will continue to avoid it if the people and you, the people's representatives, understand the issue in all of its implications and say "No" in time!

★★★



WORLD TROUBLE-SPOTS FOR ROMAN CATHOLIC SCHOOLS

1. AUSTRALIA—legislative battle over government aid to Catholic and private schools.
2. BRITISH GUIANA—government ministers oppose religious education; bishops voice fear.
3. CANADA—Catholics clamoring for state aid for their schools.
4. CEYLON—700 schools nationalized.
5. CONGO—future of Catholic education seriously impaired without Belgian financial aid.
6. CUBA—parochial schools taken over by state.
7. DOMINICAN REPUBLIC—campaigning to ban religious education.
8. EGYPT—20 Jesuit schools closed in 1960.
9. FRANCE—government aid granted under violent protest. Strike called by public school teachers.
10. GUATEMALA—campaign to dechristianize youth.
11. HAITI—bitter attacks on clergy threaten future of Catholic schools.
12. INDIA—church and state fight over textbooks used in Catholic schools.
13. MEXICO—education in primary, secondary, and normal schools is nonreligious.
14. RUSSIA AND SATELLITES—process of dechristianization of all schools continues.
15. SUDAN—most Catholic schools confiscated.
16. TUNISIA—teaching sisters banished, schools confiscated.
17. UNITED STATES—hierarchy demands Federal aid for parochial schools.
18. VENEZUELA—anticlericalism mounting, future of schools uncertain.

—Adapted from *Christian Heritage*, May, 1961.

School Troubles in France

DID THE GOVERNMENT'S PAROCHIAL-SCHOOL-AID BILL SPELL THE DOOM OF SECULAR EDUCATION IN FRANCE?

DR. JEAN NUSSBAUM

*Secrétaire Général, Association Internationale
Pour La Défense de la Liberté Religieuse (Southern Europe)*

THE THREATENED teachers' strike—which was to have occurred during the examination period in early June and which followed a one-day strike in January—has been attributed in the American press to resentment against government aid being given to parochial schools. Certainly the aid bill was the precipitating factor, but the teachers hardly acted simply for the principle of church-state separation. There were much more immediate economic and professional problems involved.

In the background, moreover, were fears that the aid bill may have indirectly spelled the doom of secular education in France.

Are these fears well grounded?

To answer, one must be aware of what led dedicated public school teachers to threaten action that would have paralyzed the educational system of France. From personal observation, interviews with officials of the Ministry of Education, and a talk with a leading university professor, I believe these conditions were three: Inadequate public school facilities, an unstable currency, and the parochial-aid bill.

Since the war France has experienced a high birth rate. Each year some 800,000 additional children burden already overloaded school plants. Although the French Government has made real efforts to improve and enlarge school buildings and to build new ones, the acute housing shortage and the crises in overseas territories—Vietnam, Algeria—have eaten up much of the French effort and budget. Recruitment of teachers has fallen down; education has been made compulsory up to six-

teen years of age. And the problem, bad enough in the elementary and high schools, is now extending to the universities and colleges.

Successive French governments have not succeeded in establishing a stable currency. Inflation has seriously affected white-collar workers, whose salaries are not tied to cost-of-living escalators. As a consequence, strikes have been numerous, paralyzing whole professions and industries. Despite many representations made to the French Government, teachers have been less successful than most in gaining wage increases.* Thus the threatened strike only highlights a problem that is embedded in the economic and political misfortunes of France.

Coming as it did, when budget difficulties prevented the government from taking measures that public opinion deemed indispensable for upgrading the public schools and teachers' salaries, the aid bill was bound to create resentment. Here were public school teachers living on subpar wages. The government could not help them. But at the same time it could pass a bill making it responsible for parochial school teachers' salaries and the erection, upkeep, and administration of parochial school plants, which are almost exclusively Catholic. (The approximately 2,000 Protestant schools were turned over to the Third Republic in 1881.)

Add to this unfortunate timing the fact that the aid bill marked a sharp break in both the republican tradition and the fundamental laws of France. Since the

* The 1960 minimum wage for teachers was only 1.61 new francs an hour, or, in American currency, 32½ cents. Unskilled laborers got a minimum of 2.11 N.F., or 43 cents, while the average for skilled labor in the metallurgy industry was 3.30 N.F., or 67 cents.

great minister Jules Ferry made French education both compulsory and free in 1882, secularization of the public schools has guaranteed religious neutrality. Now, with the aid bill, religious neutrality was abandoned, and with potentially disastrous effect on the public school system, as shall be seen.

Returning for a moment to the question of the aid bill's influence on the strike, I was told by a director of the Ministry of National Education in Paris that inadequacy of teachers' salaries was the prime factor. He minimized the church-state issue, declaring that two wars have left the French—who were once aflame for the principle of a secular Republic—unwilling to fight for an ideal. Undoubtedly, that is why the aid bill, which signaled a sharp break with tradition, was accepted with so few protests.

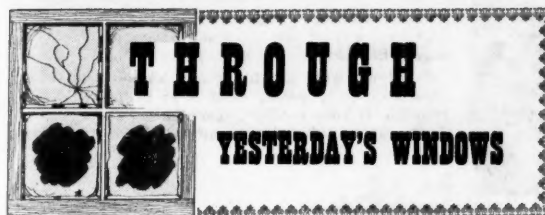
As to the effects of the grants on the public schools, the director stated frankly that they undoubtedly would suffer. Under the bill, inspectors chosen by the state will oversee the parochial schools. This will give the parochial institutions a prestige they have hitherto lacked, and the clergy a subsequent lever to force more youth into parochial schools. In some sections of France this could mean the death of the public school system.

In Brittany, for example, there are presently many flourishing parochial schools. Public school attendance is generally small, and there is now, contrary to conditions in France in general, space to care for more children. In these areas—where country folks still call the public school the devil's school—public schools could suffer heavily.

The potential damage to public schools was recognized also by a professor who teaches in a Paris University. Himself a Catholic, he pointed out that state controls as presently set up will benefit the parochial schools to the detriment of the public school system. Initially, he said, supervision of parochial schools receiving aid was to be by superintendents of public schools. When they declined the responsibility, members of the teaching personnel of public schools known to favor aid to parochial schools were given the job. Asked the professor, "What can we expect from their reports?" The implication was that parochial schools will henceforth not suffer in comparison with the public school system.

An even more decided blow to the future of public education in France may lurk around the corner. The Catholic Church has always required Catholic parents to send their children to Catholic schools. This requirement has been largely ignored in France, where many of the people are today ignorant of it. If the church should now revive its demands that Catholic youth attend Catholic schools, secular education in the French Republic, which has produced so many liberal and tolerant minds, would seem to me to be singularly threatened.

★★★



1886

Seventy-five years ago

SALVATION ARMY BESIEGED.—The Salvation Army is in trouble. General Booth described the year 1884-1885 as having been "one protracted, heavy struggle with persecutions, afflictions, and trials of every kind, not the least of which has been the desperate effort made to utterly destroy our public reputation, while from the Army's earliest days it has had a ceaseless, wearying fight with financial difficulties." The severest persecutions of the past year were encountered in Switzerland; but even in America the Salvationists have not wholly escaped. In eleven States their meetings have been suppressed by law, and fifty arrests have been made.

KINETIC KINDLINESS.—Several instances of rare kindness toward Christian missionaries from enemies of their religion are recorded by the *Missionary Review*. A Buddhist in Ceylon has given 2,000 bricks for a new Wesleyan chapel. Another Singhalese has given the land and 100 rupees for another chapel. Mohammedans in West Africa have placed their mosque at the service of Christian missionaries who preach the gospel there.

TAX TROUBLES.—As indicative of the sentiment in England relative to the disestablishment of the State Church, we find related in the *London Christian World* of the 28th ult., how an auctioneer was pelted and drenched while attempting to sell forty-seven sheep and a cow to collect from the owners thereof their church tax. The auctioneer gave up the job and joined the antichurch party.

WIRELESS WONDER.—Mr. Thomas A. Edison in a recent article in the *North American Review* explains an invention whereby he can throw an electric current from a rapidly moving railway train to a telegraph wire more than 500 feet distant. This discovery promises to be of immense importance, as "a circuit can now be established between any train, either moving or at a standstill on a railway, and the terminus of the road, or between the trains and any station on the route." A circuit is also established between any train and all other trains on the same road. Mr. Edison says that he expects to so perfect his invention that ships at sea can exchange messages while many miles apart.



Sarah Blackburn

"If religion were taught in any school I should go to, I would want it to be my religion. If they couldn't teach mine, I'd rather they wouldn't teach any at all."



Jacque Scales

"I would want my own religion taught. But how could a teacher with another religion ever teach mine?"



Bob Bernhardt

"I have never thought about it. I don't think my parents have either. But I'd care a lot and so would my parents."



Randy Pettigrew

"My family and I have never talked about the matter of religion. Since we don't have it, there is no problem."



Gary Hannah

"I . . . really don't think it's a good idea to teach religion in the public school. There would be so many religions represented—and some people may have none—how could you find a happy medium?"



Elaine Holt

"If religion were forced on me in my school, the school would no longer hold for me the freedom and education that I want. I would go to another school."



Sylvia Ann Green

"I'm sure my parents have not thought about religion being taught in my school. Neither have I. My first question is, Would it be my religion? In my school most everyone's religion is different from mine. I feel that if one wants religion taught, he should go to a church school."



Grace Ruiz

"I like the liberty we have at our school, and I don't want it changed."

RELIGION in

"How should the public schools recognize the role of religion in the life of the pupil?"

DEAN M. KELLEY

CONSENSUS: It is generally agreed—

1. The public schools should do nothing intentionally to undermine or destroy the religious faith or moral convictions that pupils acquire in home and church.

2. The public schools cannot justifiably *teach for commitment or acceptance* the doctrines or practices of any of the many various religious bodies of our nation, nor cause to feel inferior or excluded the children who belong to minority religious bodies, or to none.

3. The public schools can and should teach the standard school subjects "in their integrity"—that is, giving fair and objective treatment to religious elements in history and social studies, and to religious classics in literature, art, and music.

4. The public schools also can and should acquaint children *by attribution* with the great credos that have influenced past and present achievements and decisions, such as the phrase in the Declaration of Independence: "Man is endowed by his Creator with certain inalienable rights . . ."

5. The public schools should help to inculcate and reinforce "moral and spiritual values," defined as those which "exalt and refine life and bring it into accord with the standards of conduct that are approved in our democratic culture," including:

- a. Respect for human personality,
- b. Moral responsibility,
- c. Persuasion rather than force in relations with others,
- d. Devotion to truth,
- e. Respect for excellence,



Public Schools

- f. Moral equality (the same principles apply to all),
- g. Brotherhood (concern for others),
- b. Pursuit of happiness,
- i. Spiritual enrichment.¹

PROBLEMS

When children are told that one type of behavior is preferable to another, they usually want to know "Why?"—and we would not have it otherwise. The reasons or answers to such questions about morals are sometimes called sanctions. Without reasons or sanctions, morality is irrational, authoritarian. Some sanctions are common to almost all our citizens, and they can and should be taught in public schools, for example, justice, law, property rights, integrity, group approval.

But when children continue to ask "Why?" they eventually reach the realm of "ultimate" reasons, meaning, or sanctions: "Because that is God's will," "Because the Bible says so," "Because that's the only way you can get to heaven," "If you do that, you'll go to hell!" et cetera. It is at the level of ultimates that citizens differ with one another, profoundly and intensely.

Finding that we can get along together tolerably well in civil life without disputing about these ultimate concerns, we have left them to the intimate and voluntary groups in our society, such as the home and church, and have confined our civic processes and institutions to more mundane and immediate concerns. Thus, religious rites, beliefs, sanctions, are considered too precious and personal to be handled by the public schools. (Others feel that this results in a "privatization" of religion; it becomes esoteric, otherworldly, impractical, remote from the world of affairs.)

Many people are dissatisfied with a civic life and a public school experience that seem to them truncated, incomplete, lacking any reference to or recognition of the things that they consider most important. Yet any other course faces the sectarian dilemma, which in a pluralistic society is especially acute!

SEPTEMBER-OCTOBER

Mary Jo Kretsinger

"If religion is brought in, and the teacher doesn't believe in it, will we fire her after the years spent in going to school to get ready to teach? Or will we push out the pupils, just because they don't believe, when they have to be citizens of tomorrow? I think this all needs very careful thought."



Errol Chamness

"What I'd like to know is: Who gets to decide this? Do we, or will someone else?"



Mrs. Gloria Garver, teacher, grade 7

"Our country was founded on religious freedom. But I do not feel that the teaching of religion, even a generalized religion in our public schools, will be the answer to our problem. True religion is a way of life, not a taught form or custom. It begins in the home and family life."



Texaco dealer with station across from high school

"Boy, we need something. I'd say teach religion; teach anything that will help."



Gordon Rainey, assistant manager, large chain store

"I believe that religious education should be taught in our public school system. That is, the ethics of religion should be taught, not doctrine. Yet one wonders, actually, if this can be done, if the two can be successfully separated."



E. G. Carrel, salesman

"I believe religion should be taught, but no specific or single religion. I think children should decide for themselves what religion they want."



Duane Sellaes, preparing for Baptist ministry

"I believe that our elementary curriculum should contain some material on religion, or moral ethics. However, doctrine of any sect should not be taught, as personal liberty and religious freedom must be left intact. Ideally, religion should be taught in the home by the parents."



High School Teacher (name withheld) comments on religious teaching in high schools

"I wouldn't dare sign a statement unless approved by our board of education. But I will say that no religion should be taught in high school unless it is optional. We force children to attend school, we cannot force them to study religion. I might add that I think voting for Kennedy shouldn't hinge on religion, but on whether or not he believes in separation of church and state. If we don't keep this separation, we will lose what this country was established for."



PHOTO BY DAVID STRICKLER

Fifth-graders in Hershey, Pennsylvania, recite the Lord's Prayer.

—Any religion that is effective in molding behavior and in giving meaning to life does so in terms of beliefs that are explicit, specific, intense, and personal; that is, they are satisfying to some persons and not to others.

—Any religion that will satisfy everyone is so general and nondescript and vague as to have little effect in molding behavior or giving meaning to life.

Thus, when it is proposed to teach religion, the question follows: Whose religion? for everybody's religion is nobody's religion, or virtually no religion at all!

Nevertheless, there is felt a need to integrate the "practical" and the "ultimate" aspects of life in the process of education, that life and personality may be whole. Several efforts to solve this problem have been made:

1. Roman Catholics, Seventh-day Adventists, Missouri Synod Lutherans, and some other religious groups have established their own full-time schools, in which all subjects are taught with the religious interpretations appropriate to the sponsoring body.

2. In many communities provision has been made to release those public school pupils whose parents approve for religious instruction one period a week.

POSITIONS

In regard to other attempts to integrate religious values or meanings in secular subjects without working an injustice on minorities, national bodies have differing opinions.

1. Teaching a "common core" of religious doctrines shared in common by the major faiths. Thus far the major faiths have not reached agreement on any body of shared doctrines. Is it likely these would be acceptable to all citizens even if leaders of the major faiths could reach agreement?

2. Factual teaching about religious doctrines; "comparative religions." Most Protestant bodies approve this under the same rubric as "studying about religion," see Consensus 3 above. The Jewish statement "Safeguard-

ing Religious Liberty," however, makes a distinction, approving the "teaching of regular subjects in their integrity," but adding, "we believe that factual, objective, and impartial teaching about religious doctrines is an unattainable objective."²

3. Religious practices, holidays, observances. Jewish groups represented by the Synagogue Council of America and the National Community Relations Advisory Council are recorded as favoring the excusal of Jewish children from public schools for Jewish holy days, but as opposed to the following activities in public schools:

The reading or recitation of prayers,

The reading of the Bible (except as included in a course in literature),

The distribution of Bibles or religious tracts,

The singing of religious hymns,

The granting of school credits for religious studies, The wearing of any type of clerical garb by public school teachers on school premises,

The holding of public school classes on the premises of religious institutions,

The taking of a religious census of pupils.³

A representative Protestant position includes the following conclusions:

The public school is not designed to be a church. The power of the state should not be used to compel any person to attend a service of worship, nor to prohibit such attendance. Situations in schools vary greatly. Some religious observances such as moments of silent prayer, a common prayer, the reading of Scripture, and similar basic religious statements or recognitions, are practiced in many communities. Seasonal religious music and recognition are also common. There should be no laws requiring such practices. Within legal limits and community custom, participation in such practices is appropriate when they are a natural rather than a strained expression; no person should be compelled to participate, nor should special sectarian advantage be intended for any institution or group. Christians should be especially sensitive to the fact that children are not noted for their nonconformity, and that so-called voluntary exemption does not overcome the compulsion exerted by majority behavior.

Sectarian literature is out of place in the public school, except for purposes of general education.

The Bible may be used as primary reference material in the teaching of several subjects in the school. This in no way relieves home and church of a responsibility which is theirs alone, for using the same Bible for distinctively religious and sectarian purposes.

4. Conflicts of conscience and public education. On plea of religious freedom, religious faiths ask exemption from compulsory vaccination and X-ray examinations. Such requests should be granted except when, in the opinion of public health authorities, the health of others in the community will be endangered. On a similar plea, members of some religious faiths ask for

exemption from instruction in the germ theory and bodily symptoms of disease. Freedom of religion does not mean freedom to be ignorant of basic survival factors. The germ theory cannot be considered optional in general education. Methods of sanitation, antiseptics, and public health based upon the germ theory have aided in extending life expectancy from 25 to 70 years. The community has the right to require that children become acquainted with essential health information. The school should not try to compel belief of this information. The right of the minority does not include determination of policy for public institutions, so long as exemption serves to protect individual conscience.

Teachers or students may hold to certain behavior patterns believed by them to be matters of conscience. In all these matters the private conscience should be respected, no overt or covert attempt at coercion should be made, and the school should exert every effort to respect social nonconformity based upon religious con-

viction, even at the cost of administrative inconvenience or annoyance.

Roman Catholic sources are not explicit on the various elements of religion that sometimes occur in public education. Some clergy and laymen urge the maximum teaching and observance of Christian features in public schools as the best that can be done for the religious nurture of those Roman Catholic children attending public schools. Other Roman Catholic clergy and laymen feel that this cannot properly be done in most public schools without working an injustice upon non-Christian or nonreligious pupils, and they therefore recommend parochial schools as the only alternative for Roman Catholics. ★★★

REFERENCES

¹ This definition is derived from "Moral and Spiritual Values in the Public Schools," February, 1951, by the Educational Policies Commission of the National Education Association and the American Association of School Administrators, which gives an extensive and constructive explanation of this program.

² Page 7.

³ *Ibid.*, pp. 8, 9.

⁴ See *Liberty*, September-October, 1960, to March-April, 1961.

Thought Provokers *

1. Miss M—— adjusted the microscope. Her fifth-grade pupils were peering through it, to catch their first glimpse of protozoa. On the board she wrote, "protozoa—first form," and "protoplasm—first life."

An interested boy read, and questioned, "Teacher! First life—how about Adam and Eve?"

What do you wish that teacher in the public school to do?

2. Mr. L—— was in the sixth-grade geography class, reviewing reasons why people think the world is round. Said Joe S, from the second row, "Teacher! My dad says the world is flat!"

The class hushed, and the teacher waited.

"The Bible says the world has four corners," added Joe.

What do you wish that teacher in the public school to do?

3. What does the Bible say about the responsibility of

a. parents

b. the church

for the education of children, both their own and others?

4. "A man's religion is his own business." But what of the time when a man's religious beliefs affect expenditures of tax money, or the policy of a public institution? To the extent that a man's religious beliefs affect tax expenditures and policies in public institutions, is it invasion of privacy and freedom of conscience to discuss them?

5. The District of Columbia Court of Appeals

(*Washington Ethical Culture Society v. District of Columbia*, 1957), ruled that "religion" may mean either worship of a ruling power or "devotion to some principle: strict fidelity or faithfulness." Would it violate provisions of State constitutions prohibiting sectarian teaching in the public schools if a teacher there taught "humanism" or "secularism"?

6. If churches accept tax funds for schools they operate, what state controls should they anticipate?

7. Why should bachelors and unmarried women be taxed for support of the education of children in the community? Do the obligations of the Christian extend beyond those of the citizen for the education of children? Why?

8. To what extent do the permanent problems of Federal-State-local district relationships affect problems of how public schools deal with religion? Should the policies be set by trustees in local school districts? By State legislature or department of education? By the United States Congress or the Supreme Court? Why?

9. Is it possible to have freedom of conscience without freedom not to believe?

10. Should the public school help a child to understand religious practices of his fellows?

11. Are parochial schools operated for purposes of religion or for general education? Do their programs serve both purposes? Should such schools (a) seek tax support for all the program? (b) seek tax support for what is done for general education? (c) refuse all tax support on the ground that a religion permeates the whole?

* From study document prepared by the Committee on Religion and Public Education of the National Council of Churches.

CHURCH OPPOSES GOVERNMENT AID TO PAROCHIAL SCHOOLS

WHETHER FEDERAL FUNDS should go to public schools is, in the estimation of Seventh-day Adventists, a question of political and economic philosophy on which each church member-citizen might have convictions, but with which the church as such is not properly concerned.

But on the question of whether tax moneys should go to parochial schools the church can speak, for here the issue affects the principle of church-state separation, under which all churches in the United States have competed without favored status.

In harmony with this belief, the Seventh-day Adventist Church expressed, to both the Senate and House committees debating the Federal Aid to Education Bill, its concern that "the historic principle of separation of church and state as inscribed in the Constitution of the United States of America be preserved to the American heritage." Said the Adventists:

"This principle precludes the granting of tax funds for the establishment or support of any or all religions, churches, or parochial school systems.

"As the Court said in *Everson v. Board of Education*:

The "establishment of religion" clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. . . . No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion.

"Seventh-day Adventists . . . have a very real involvement in the question of Federal aid to parochial schools. They operate the third largest parochial school system in the United States. In proportion to church membership, they have more of their youth in their parochial schools than does either the Catholic or largest Protestant parochial school system. It is evident, therefore, that any amendment to the pending Administration bill that would extend Federal aid to parochial schools, would potentially benefit the Seventh-day Adventist Church. Were it to accept such benefits, millions of dollars that it now uses to subsidize its schools and millions of dollars paid by its members in tuition could be channeled into other lines of church endeavor.

"But neither their appreciation for the merits of parochial schools nor their financial investment in them diminishes the Seventh-day Adventist Church's regard for the United States Constitution. In their estimation,

though tax funds given to them for their parochial schools would materially lessen their financial burden, that giving would likewise materially breach the wall of separation between church and state as it has been constructed by the Constitution and construed by the United States Supreme Court.

"Seventh-day Adventists operate parochial schools not only to give their youth the very best education—an education that makes them good Americans—but also to prepare them for citizenship in the Kingdom of Christ. Thus while their elementary and secondary schools meet the educational standards of the various States, they also teach principles of religion—some held in common with other Christian bodies, others unique to their persuasion. This is a service that the public schools cannot give. To ask American citizens of other religions or of no religion to support by their tax dollars doctrinal teachings with which they may not agree, would, in the opinion of Seventh-day Adventists, constitute a serious breach of constitutional principles.

"Let this be emphasized: Adventists believe in the public school system. And they support it with their tax dollars. They would not maintain that their support of their own parochial schools should relieve them of this obligation and privilege. For it is by their own choice that they operate their own schools.

"Adventists oppose, therefore, any . . . [bill] that would grant, in effect, government subsidy to parochial schools."

R. R. H.

MONEY TALKS!

EVERY INVESTOR EXPECTS to tell his money what it shall do. The state is no different. When tax dollars are channeled into any facility Government servants follow those dollars to set up residence and watch over them. Thus money comes to have a voice.

Federal aid to private schools is a wide-open door of invitation to eventual control. Said Lieut. Gov. J. R. Hanley, of New York, in a letter to this magazine in 1947: "Unfortunately it is a fact that neither the State nor Federal Government can do anything for you without doing something to you at the same time. As you obtain aid from either the Federal or State governments . . . you are bound to lose proportionately in local control. This is a fact that even the most casual observer can see in operation everywhere."

The lessons of history have been hard ones for churches that accepted government moneys. Why did

the Russian and the Mexican governments take over all church properties for the use of the state? Because for centuries the church accepted government patronage and allowed the state to build its buildings and pay the salaries of its priests and teachers. The governments' argument was: The people paid for these buildings, so the government will take them for public use.

When the Communist party in Kerala, a state in India, won the elections, the government took over all schools that had accepted government funds for buildings or for operating, contending that the people had invested their money in them, therefore the government had a right to them. Schools that had refused state funds were not molested. Now parochial schools in other countries in Asia are facing the same dilemma.

In the Everson case, the Supreme Court of the United States said: "No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called or whatever form they may adopt to teach or practice religion."

This ruling has provided a bulwark of security for American parochial schools. Behind this wall they have been safe from Government interference. Now the clamor arises for tax money to flow in aid of these schools. And it is piously hoped that governmental supervision will not follow. But it will. Indeed, the state would be derelict in its duty if it did not supervise its money.

For the church, the wise course, the logical course, the honorable course, is to say, "No, thank you!" when the state offers money. Parochial schools are expensive to maintain, but they are even more expensive to lose. And loss of control must inevitably be the consequence of accepting state dollars. Money talks. And this is the story it has to tell.

M. E. L.

SUNDAY-LAW RULING LEAVES NO ILLUSIONS

TIME: third quarter, seconds to go.

SCORE: Blue Laws 24, Sabbathkeepers 0.

All touchdowns came in the third quarter when the United States Supreme Court ruled the Sabbathkeeper's constitutional backfield—Messrs Free Exercise, Establishment of Religion, and Equal Protection—ineligible, giving the Blue Laws four quick touchdowns. There were no conversions. The decision was vigorously protested by Referee Douglas. Referees Brennan and Stewart entered pleas on behalf of Free Exercise.

In deciding that contested sections of four State Sunday laws are not unconstitutional, the Supreme Court evidently forgot a warning issued during the Congressional discussion of the First Amendment to the "Rulebook": "The rights of conscience are, in their nature, of peculiar delicacy, and will little bear the gentlest touch of governmental hand."

Forgetful or not, the Court has in effect reaffirmed what it said in 1900 in *Petit v. Minnesota*: Sunday laws are simply health and welfare measures—"social" laws—and thus within the legitimate police powers of the state.

It is true that Sunday laws have health and welfare connotations, but basically they were and are religious laws. The first recorded Sunday law, passed in A.D. 321 under Emperor Constantine, was religious. America's early Sunday laws, put on the books by the Puritans, were religious, as the Supreme Court majority admitted. And a look at today's Blue Law lineup shows Religion quarterbacking the team, with Business and Labor alternating at fullback. Put the Government in to run interference and you have a four-star backfield in any league.

For several reasons, despite the score, Sabbathkeepers will not retreat from the contest. First, because of their concern for the Christian church. History reveals that the church has always suffered loss of vital witness by reliance on the arm of the state. Completely apart from their theology, which finds no Bible basis for Sundaykeeping, Sabbathkeepers hold that "enforced Sunday togetherness," as Justice Steward put it, could hardly please God, who asks for voluntary submission.

Second, because Sunday laws favor, or establish, the Christian religion above other religions and the Sunday-keeping segment of Christianity above the seventh-day Sabbathkeeping segment. On this point Sabbathkeepers share the perplexity of Justice Douglas, who said in his dissent: "I do not see how a State can make protesting citizens refrain from doing innocent acts on Sunday because the doing of those acts offends sentiments of their Christian neighbors."

Third, because by imposing economic sanction, Sunday laws prohibit the free exercise of religion. It is hard to see how the Court can ask the Sabbathkeeper to pay for his religion by enforced idleness two days a week in the face of his competitor's enforced idleness on only one, and yet call the exercise of his religion free. Justice Brennan called the issue "whether a State may put an individual to a choice between his business and his religion. The Court today," said Mr. Brennan, "holds that it may. But I dissent, believing that such a law prohibits the free exercise of religion."

It is true that Sunday laws do not say Sabbathkeepers must work on Saturday, but their effect is such that they may not simultaneously practice their religion and their trade without being hampered by a substantial competitive disadvantage tantamount—to revert to the metaphor of football—to giving one team six downs to the other's five.

While not retreating from the field, Sabbathkeepers will play the rules. Being law-abiding citizens, they will turn the other cheek to the not-so-gentle touch of Government-enforced Sunday laws, and refrain from working on Sunday, continuing meanwhile to "remember

the sabbath day, to keep it holy," as a higher court than man's has adjudged.

They continue the contest, moreover, under no illusions concerning the outcome, for here is one contest in which the final score has already been printed in the scorecard called prophecy. Sabbathkeepers suffer from no inhibitions in predicting that the fourth quarter will begin with a national Sunday law and end on a blue, blue note for freedom. Admittedly, many rooters for Sunday laws got in their seats too late to know the score; perhaps a thoughtful perusal of Revelation 13 would be in order before they find it is too late to change their "We want a touchdown" to an impassioned plea for Sabbathkeepers to "HOLD THAT LINE." R. R. H.

A Catholic Layman Talks Back

From page 13

existing in most of these United States between Catholics and Protestants. It is going to turn neighbor against neighbor simply because of religious differences. It is also going to divide Catholics into two separate but militant groups—namely, those supporting President Kennedy and those opposing him because of their partisan political views. The two matters that can and do stir up the hottest arguments and dissensions are politics and religion. Now, the hierarchy is brewing them both together in the same bowl, or caldron.

When I was a . . . youth . . . I was instructed in the Catholic religion by our very fine parish priest, the Reverend Father Nolan. This good priest impressed upon our youthful minds that the Catholic Church . . . was not engaged in the temporal practice of playing politics. He told us in no uncertain words that Jesus of Nazareth issued a divine decree along this line for the purpose of guiding His church in its teachings and practices when He told the Pharisees to "Render to Caesar the things that are Caesar's, and to God the things that are God's." It should be the aim and purpose of the clergy to show its flock the way to a better moral and spiritual life on this world so that [they] . . . could enjoy eternal happiness with God in the next world.

The clergy should emphasize the spiritual rather than the temporal. When the clergy enters the political arena, they are apt to pull down spiritual ideas and ideals into the muck of practical politics. Opposing politicians are apt to lose their previous respect for the "wearers of the cloth." Too late, the clergy are apt to discover that they have not been trained or too well skilled in the temporal art of playing politics. For a similar reason, the politician should not enter the field of religion. Neither is really qualified to enter the other's domain of endeavor. It was along the foregoing lines that I have been educated. It was my sincere belief that

the Roman Catholic Church hierarchy in these United States would not embroil the Church or the Catholic religion in partisan politics. . . .

I am afraid that unless the hierarchy withdraws from this present political contest, the Catholic religion and the Catholic Church will suffer thereby. The spiritual field is a limitless one. I know that . . . every member of your organization is exceptionally well trained and qualified to devote . . . [his] entire time to the saying of Masses, to preaching the true gospel and to the administration of the varied facets of the Church. Jesus of Nazareth did not proclaim Himself to be a pundit on the politics of His day. In His own humble manner He sought to win men's minds to His teachings and to save their souls by spiritual appeals to them. . . .

In my humble opinion, it would be much better for Catholics and Protestants if your hierarchy group would spend more of its time in the Lord's vineyard and let the laity handle the contests arising in temporal politics. There is a very good practical political reason why the laity does not want the clergy to mix in partisan politics. One of the laws of our church requires lay members to contribute to the support of our pastors. But when we Catholic Democrats make this contribution, we do not want our beloved pastors using such contributions, or even parts of it, in playing partisan politics in aid of our political opponents—the Republicans. But that is substantially what your hierarchy committee is doing. It is putting our Catholic Democratic President on the spot on this matter of public Federal aid to private parochial schools. Under such circumstances, how can you expect Democratic members of your congregations to be enthusiastically liberal in their Sunday contributions for your own support?

Isn't it morally wrong for such contributions to be spent on conducting a political campaign to influence members of the Congress to vote the way you want them to cast their ballots on this grave question? William O'Connell, the famous Irish patriot and politician has wisely and correctly stated that "nothing can be politically right that is morally wrong."

I sincerely trust that you and your illustrious group will see the dangers ahead in this campaign you have started and that you will gracefully withdraw from this political contest.

[Signed] Sincerely,

EDWARD L. O'CONNOR

Former Attorney General of Iowa

On March 28, 1961, I received a reply from the archbishop's secretary, the Right Reverend Edward A. McCarthy, saying that my letter had been forwarded to the legal counsel of the National Catholic Welfare Conference, who would "be pleased to explain the thinking behind the position of the bishops. . . ." To date, I have not been favored with such an explanation. —E. L. O.

UNITED STATES

Archbishop Asks United Effort to Defend Christian Sunday

St. Paul, Minnesota.—Archbishop William O. Brady has commended the effort of the Pastors' Action group of Minneapolis, an organization of Protestant clergymen, to "save Sunday" as a day of rest and worship.

The St. Paul Roman Catholic prelate, writing in his weekly column, in the *Bulletin*, urged Catholics to join in the effort "to keep Sunday holy."

"We need a fully united Christian front to defend our Christian Sunday," he declared.

Archbishop Brady said he was aware that Jews and Seventh-day Adventists who keep Saturday holy "want some equality with Christians who keep Sunday holy."

"But surely," he wrote, "there is some way in which the rights of the minority will not be suppressed while the right of those who want Sunday kept for divine worship will be retained and protected. . . ."

"The main issue is that those who profess Sunday as a holy day should be the first to keep it so. The civil law that permits or forbids Sunday selling is of secondary value. Primary is the law for Christians that they will not keep the cash register humming on their day of worship."

If Catholics are going to "hold hands with our Protestant neighbors in defense of Sunday," they must be sure their own hands are clean, the archbishop warned.

Sunday Bill Dies of Ridicule

Oklahoma City, Oklahoma.—The Oklahoma State Senate disparaged a Sunday-closing bill and then committed the measure to committee, where it died.

The bill sought to close grocery stores on Sunday, exempting stores that close on another day for religious reasons and those within three miles of a State park or recreational area.

Senators offered a number of amendments to the bill designed to ridicule it to death. One amendment would have prohibited cotton chopping, fish-bait digging, cow milking, and bowling on Sunday. Another would have barred operation of a golf course, pool halls, swimming pools, domino parlors, beer taverns, and television broadcasting.

"Since this is a moral issue, we should go all the way," said one senator. "We'll have the people at home on Sunday with their families, reading the Scripture."

"You can't leave the beer halls open while you aren't able to buy milk for the baby," commented another lawmaker.

Another legislator said, "Close the grocery stores and leave the beer joints open and you're going to have tavern operators bootlegging groceries."

Church Dance Banned, Betting Allowed in Holiday Blue Law

Boston, Massachusetts.—Quirks in the Sunday-closing laws of Massachusetts—laws strengthened by the recent Supreme Court decision—developed on Memorial Day, a holiday falling on Tuesday.

A dance to benefit a Roman Catholic charity was banned by police in nearby Dedham, yet near-record throngs wagered gaily at race tracks and dog tracks.

The complication developed when it was realized that laws barring "business" on Sundays also pertain to legal holidays in this State. And the State attorney general's order to enforce Sunday-closing laws had sent police into action.

At Dedham several hundred tickets had been sold to a Memorial Day dance benefiting the Columban Fathers when police intervened, citing the holiday restriction. The dance was scheduled for a later date.

This caused a legal aide of the attorney general to comment, "Why shut down a church dance on a holiday and allow horse racing to operate the same day in Boston?"

According to the State Racing Commission, it is licensed to hold racing "any day except Sunday."

The Lord's Day Laws of Massachusetts have always applied to legal holidays, but the law never before has been enforced.

Boston Catholic Weekly Asks Revision of Sunday Laws

Boston, Massachusetts.—The *Pilot*, newsweekly of the Roman Catholic Archdiocese of Boston, has called for revision of the Sunday laws in Massachusetts following the U.S. Supreme Court decision that such statutes are constitutional.

The *Pilot* stressed that any revisions in the Sunday statutes should preserve traditional respect for the Sabbath.

It warned that efforts to make Sunday merely another day of the week "must be halted at once, before we lose both the 'day of rest' and the religious signifi-

cance that has been associated with it by the vast majority of Americans since before the Republic was founded."

Belief in God Held Unconstitutional Requirement for Public Office

Washington, D.C.—The United States Supreme Court unanimously held that the State of Maryland cannot require a public officeholder to believe in God.

According to the Court, Article 37 of the Maryland State constitution violates the Bill of Rights of the Federal Constitution and denies "equal protection of the laws" to its citizens in violation of the Fourteenth Amendment.

The Court held that Roy R. Torcaso, of Silver Spring, Maryland, was entitled to a commission as notary public even though he refused to take an oath saying that he believed in a Supreme Being.

The article of the Maryland constitution that the Court struck down declares:

"No religious test ought ever to be required as a qualification for any office of profit or trust in this state other than a declaration or belief in the existence of God."

However, Mr. Black, who delivered the opinion of the Court, said, "There is, and can be, no dispute about the purpose or effect of the Maryland requirement before us—it sets up a religious test which was designed to—and, if valid, does—bar every person who refuses to declare a belief in God from holding a public 'office of trust or profit' in Maryland.

"It was largely to escape religious tests and declarations that a great many of the early colonists left Europe and came here, hoping to worship in their own way.

"It soon became apparent, however, that many of those who had fled to escape religious test oaths turned out to be perfectly willing, when they had the power to do so, to force dissenters from their faith to take test oaths in conformity with that faith."

This brought a host of laws that practically resulted in the establishment of certain religious denominations in the various colonies, Mr. Black said.

When the Constitution was framed, the desire to put the people "securely beyond the reach of religious tests," said Mr. Black, resulted in adoption of the sixth article declaring that "no religious test shall be required as a qualification" for any office under the United States. This was followed with adoption of the First Amendment guaranteeing freedom of religion.

He cited a previous Court decision (*Cantwell v. Connecticut*, 310 U.S. 206) in which the Court held that the Fourteenth Amendment has rendered the "state legislatures as incompetent as Congress to enact such a law (for establishment of religion)."

Mr. Black cited the dictum laid down in *Everson v. Board of Education* (330 U.S. 1), which upheld parochial school bus transportation—that "the establishment of religion clause means at least this: neither the State

nor the Federal Government can set up a church. Neither can pass laws which aid one religion, or all religions, or prefer one religion over another . . ."

Mr. Black made the significant observation that nothing in the cases of *Zorach v. Clausen* or *McCullum v. Board of Education* (two cases that are figuring prominently in the current controversy over Federal aid to parochial schools) in any way has modified its dictum in the *Everson* case.

"Nothing decided or written in *Zorach* lends support to the idea that the Court there intended to open up the way for government—State or Federal—to restore the historically or constitutionally discredited policy of probing religious beliefs by test oaths or limiting public office to persons who have or, perhaps more properly, profess to have, a belief in some particular kind of religious concept.

"The Maryland test for public office unconstitutionally invades the appellant's freedom of belief and therefore cannot be enforced against him," Mr. Black ruled. "The judgment of the Supreme Court of Maryland is accordingly reversed."

CANADA

Grants Called Unconstitutional

Toronto, Ontario.—Government grants paid to Roman Catholic schools in Ontario are probably unconstitutional, the Ontario Public School Trustees' Association reported in a brief to the provincial cabinet.

Presented by the Reverend John V. Mills, Toronto, secretary, and Bryson Comrie, Cornwall, Ontario, president, the brief called for a royal commission (government investigation) of school finance, and for revisions of assessment law and grant structures.

The brief pointed out that Canada's Constitution—the British North America Act—forbids the provinces to force persons to pay taxes to schools not of their faith. Yet Ontario requires public school supporters to pay provincial taxes to help support Catholic schools.

"We will never accept any grant proposal which either directly or indirectly requires public school supporters to contribute towards the support of separate schools," the brief said.

Clergymen Claim Public School Religious Instruction Valuable

Toronto, Ontario.—Religious instruction in the Ontario public schools has resulted in a growth of understanding between clergymen of various denominations, according to a report prepared by four Roman Catholic priests, an Anglican priest, and a United Church of Canada minister.

"In the controversy raging around the question of religious education in schools," the report said, "we who have been a part of such education in the town of Stur-

geon Falls are glad to record our conviction as to its values."

The clergymen noted that the cordial, cooperative relations in their own ranks had resulted in a growth of mutual respect among students for the opinions of others of different denominations.

The committee also heard a report from the high school principal at Leaside, a suburb of Toronto. The principal said that religious education was introduced in the 11th grade four years ago, bringing no more than three or four complaints since that time.

He said only seven pupils had applied for exemption, which is permissible under the Ontario regulations, and that this year there were three.

GERMANY

"NATO Prayer" Answer Held Unsatisfactory

Hamburg, Germany.—Christian circles in West Germany have expressed "surprise" over a decision by the Hamburg prosecutor general not to take legal action against a local students' magazine that published a poem denouncing West German rearmament and NATO, written in the style and phraseology of the Lord's Prayer.

Charges of blasphemy and abuse of religion and God had been brought by Protestant authorities, including Lutheran Bishop Karl Witte, of Hamburg, against "Konkret," sponsored by an extremist-leftist student group.

The poem, headlined "The NATO Prayer," contained such lines as "and give us this day our daily atomic test"; "your maneuvers shall occur on workdays and on Sundays"; "for you are rich and the big-shots and the concern masters as long as everything goes well. Amen."

After a three-month investigation of the case, the prosecutor ruled that although the poem was "repulsively tasteless," it did not in his opinion fulfill the preconditions for a prosecution of its authors.

GREAT BRITAIN

Archbishop Reminds Catholic Mayor: "You're Protestant Servant Too"

Liverpool, England.—Roman Catholic Archbishop John C. Heenan, of Liverpool, told the city's new mayor, Alderman Peter McKernan, a Catholic, it was his duty to give fair and equal treatment to all citizens, regardless of their religion.

Speaking at a Mass in the Liverpool Cathedral marking the mayor's inauguration, he said: "We take it for granted that you, my Lord Mayor, will never, as a Catholic, seek the advancement of Catholic interests at the sacrifice of the rights of non-Catholic citizens. By God's grace, you will be the servant of Protestants and Jews no less than those of your own faith."

INDIA

Hindu Governor Urges Tolerance

Kottayam.—The Hindu governor of the state of Kerala, V. V. Giri, urged respect and tolerance of all religions while opening a religious convention at a Hindu temple in Kottayam.

Asserting that it was unfortunate that people belonging to one religion should be in conflict with those of other persuasions, the governor said it should be the endeavor of everyone to practice the "principles" of India's Constitution and honor all religions.

ITALY

Court Clears Adventists

Caltagirone, Sicily.—The lower court of Caltagirone acquitted two young Seventh-day Adventists, Vincenzo Lovero and Francesco Covone, who had been charged with illegal distribution of religious pamphlets.

The court ruled that "occasional" sale of religious pamphlets or free distribution of religious leaflets was permissible without authorization.

Why I Believe Federal Tax Aid Is Unwise and Unconstitutional

From page 11

Church. Indeed, they are established and operated by the Catholic Church for the purpose of teaching the children of Catholic parents the tenets of the Catholic faith. This is made clear by the Canon Law of the Catholic Church, which specifies that "Catholic children are to be educated in schools where not only nothing contrary to Catholic faith and morals is taught, but rather in schools where religious and moral training occupy the first place" and that "the religious teaching of youth in any schools is subject to the authority and inspection of the church."

Despite assertions to the contrary, the First Amendment makes no distinction whatever between outright grants of Federal moneys to parochial schools and long-term loans of Federal moneys to parochial schools. It forbids both grants and loans. The decision in the Everson case makes this crystal clear by stating, in substance, that Congress cannot pass laws which "aid one religion" or "aid all religions," and that "no tax in any amount . . . can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or to practice religion."

The Catholic Debt to the Constitution

All Americans of all faiths have the absolute legal right to send their children to the public schools of the States in which they reside. Many Catholic parents

forgo the exercise of this legal right and send their children to parochial schools because they want their children to receive something which the First Amendment forbids public schools to give them, i.e., instruction in the tenets of their religion. In sending their children to parochial schools, Catholic parents are exercising a right secured to them by the same Constitution that forbids the use of tax-supported institutions for the teaching of any religion. This observation finds illustration in the decision of the Supreme Court of the United States in *Pierce v. Society of Sisters of Holy Names*, 268 U.S. 510, where the Court decided that the parents of Catholic children have a constitutional right to send their children to parochial schools, and adjudged unconstitutional an Oregon statute which required parents of all children, including Catholic parents, residing in Oregon, to send their children to the public schools of that State.

Federal Taxes for Parochial Schools Unwise

Even if there were no constitutional prohibition on such action, Congress should not grant or loan Federal tax moneys to parochial schools or any other schools teaching the tenets of any religion.

The ringing declaration of Thomas Jefferson's Statute of Virginia for religious freedom—"to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical"—is just as true today as it was when Jefferson wrote these immortal words. It would be "sinful and tyrannical" to tax Catholics and Jews to aid the teaching of Protestantism, or to tax Catholics and Protestants to aid the teaching of Judaism. It would likewise be "sinful and tyrannical" to tax Protestants and Jews to aid the teaching of Catholicism.

A great American, the late Justice Rutledge, had this to say on this subject:

"The great condition of religious liberty is that it be maintained free from sustenance, as also from other interferences, by the state. For when it comes to rest upon that secular foundation it vanishes with the resting. Public money devoted to payment of religious costs, educational or other, brings the quest for more. It brings too the struggle of sect against sect for the larger share or for any. Here one by numbers alone will benefit most, there another. That is precisely the history of societies which have had an established religion and dissident groups. It is the very thing Jefferson and Madison experienced and sought to guard against, whether in its blunt or in its more screened forms. The end of such strife cannot be other than to destroy the cherished liberty. The dominating group will achieve the dominant benefit; or all will embroil the state in their dissensions."

If we are to preserve religious liberty, or, indeed, any kind of liberty, we must keep the state's hand out of religion and religion's hands off the state. ★★★



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THE HUMAN ELEMENT

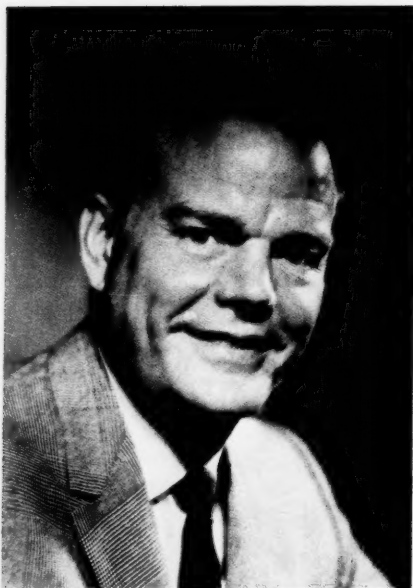
The Great Wall of China is a gigantic structure running some 1,500 miles across mountain and chasm and plain. Its cost in human toil and money was immense. When finished, it appeared to be impregnable. But three times the enemy breached it—not by breaking it down, but by bribing the gatekeepers. It was the human element that failed, says Dr. Harry Emerson Fosdick. "What collapsed was character, proving insufficient to make the great structure men had reared really work."

In years to come will historians record something similar concerning the great wall of separation between church and state erected by our forefathers? Will it be written that even while the Constitution remained, character collapsed? That legislators under ecclesiastical pressure opened the gates by allocating tax funds paid by all citizens of all faiths and no faiths to parochial schools for the training of youth in a particular religion?

The first approach has been made to the men sworn to defend the wall. They have resisted it. But the approach will be made again. And again.

—Adapted from "Missions,"

American Baptist International Magazine,
May, 1961.



Paul Harvey

WANTED - A Reason for Being

We have made two mistakes in dealing with the younger generation. We have told our youth that this country was "carved" out of the wilderness. The truth is, it was hammered, hoed, chopped, dug, and clawed out of the wilderness by men who asked nothing for nothing.

Then we have told them that it is a wonderful thing to be an American. But we have forgotten to tell them what a difficult, demanding, and dangerous thing it is to be an American. . . .

Youngsters today are desperately seeking to find out who they are. They are eager to ally themselves with a cause. They need something to be *for*, a reason for being; and they wait for Christianity's answer.

Are we a God-fearing nation? Or are we kin to those of whom Moses wrote, when he predicted that in the land of milk and honey they would wax fat, and turn to other gods?

—Paul Harvey, Chicago ABC news commentator, in an address to the Layman's Leadership Institute at Miami Beach.

